

PARLIAMENT OF THE REPUBLIC OF MOLDOVA

**LAW
on the Public Prosecution Service**

The Parliament passes this organic law.

**Title I.
ORGANIZATION OF THE PUBLIC PROSECUTION SERVICE**

**Chapter I.
General Provisions**

Article 1. The Public Prosecution Service

The Public Prosecution Service is a public institution within the judicial authority, which, in criminal proceedings or in other proceedings as provided by law, contributes to the observance of the rule of law, act of justice, protection of rights and legitimate interests of individuals and society.

Article 2. The prosecutor

The prosecutor is a public official who exercises the duties of the Public Prosecution Service envisaged in the Constitution, this law and the international treaties to which the Republic of Moldova is a party and is appointed in this position in the manner prescribed by this law.

Article 3. Organisational and operational principles of the Public Prosecution Service and prosecutors

(1) The Public Prosecution Service is carrying out its activities in accordance with the law.

(2) Organization and activity of the Public Prosecution Service is transparent and is built upon the presumption of guaranteeing the access of the society and mass-media to the information related to this activity, with exceptions provided by law and ensuring compliance with the personal data regime.

(3) The Public Prosecution Service is independent from the legislative, executive and judicial powers, any political party or social-political organization, as well as from any other institutions, organizations or individuals. Any interference in the work of the Public Prosecution Service is prohibited. The Prosecutor shall cooperate with other authorities to carry out the functions indicated in this law.

(4) The prosecutor shall conduct his/her activity based on the principle of legality, impartiality, reasonability, integrity and procedural independence, which give the opportunity to make independently and unipersonal decisions on the cases he/she manages.

(5) The procedural independence of the prosecutor is secured by guarantees excluding any political, financial, administrative or any other influence over the prosecutor in connection with the performance of his/her duties.

(6) According to the provisions of Article 13 of this law and the Code of criminal procedure, the activity of the public prosecutor may be subject to control by the hierarchically superior prosecutor and the Court.

(7) The prosecutor shall through his/her activity ensure the supremacy of the law, to respect human rights and freedoms, their equality before the law, ensure the legal treatment without discrimination of all the participants of judicial proceedings regardless of their quality, comply with the Ethics code of prosecutors and to participate at the continuous professional training.

Article 4. The legal framework of activity of the Public Prosecution Service

The activity of the Public Prosecution Service is governed by the Constitution of the Republic of Moldova, by the present law, by other legislative acts, as well as by international treaties to which the Republic of Moldova is a party.

Chapter II. THE AREAS OF ACTIVITY AND COMPETENCE

Article 5. The functions of the Public Prosecution Service

Under the law, the Public Prosecution Service carries out the following functions:

- a) conducts and carries out the criminal investigation and represents the accusation in the courts;
- b) organizes, conducts and controls the activities of criminal investigation bodies in criminal process;
- c) carries out, including ex officio, the control of the compliance with the legislation on special investigation activity;
- d) carries out, including ex officio, the control of compliance with the legislation relating to the registration of notifications about committed or planned crimes;
- e) initiates, examines and participates in court trials on cases of contraventional offences;
- f) ensures international legal assistance in criminal matters and international cooperation in its field of activity;
- g) participates in the implementation of national and international policy of the state in criminal matter;
- h) submits proposals for improving the legislation and participates in the drafting of regulatory acts in its field of activity;
- i) applies measures to protect witnesses, victims of crime and other participants in criminal process;
- j) in case when the criminal investigation is not initiated or terminated, under the law, initiates civil actions and participates in their examination;
- k) exercises control over the observance of laws in implementing the measures of protection of witnesses, victims of crime and other participants in criminal process;
- l) examines the requests and petitions, according to its competency.

Article 6. Rights and obligations of the prosecutor

(1) In order to perform the functions of the Public Prosecution Service, the prosecutor shall perform his/her duties throughout the entire territory of the Republic of Moldova, in all courts and, under the law, has the following rights:

- a) in criminal or contraventional proceedings, to have free access to the premises of public institutions, businesses, and other legal entities.
 - b) to initiate disciplinary proceedings for breaches of law, failure to fulfil or inadequate fulfilment of its obligations in criminal proceedings by the criminal investigation officers, employees of the facts-finding bodies, special investigation bodies, as well as those responsible for registering notifications;
 - c) other rights under the laws in force.
- (2) Other rights of the Prosecutor:
- a) to associate in professional organizations or other organizations aiming at representing and protecting the professional interests ;
 - b) to have free access to his/her personal file and personal data from other acts held within the Public Prosecution Service;
 - c) to be informed about all decisions of the Public Prosecution Service and self-governing bodies of the prosecutors, where they are mentioned.
- (3) the Prosecutor is obliged to:

- a) fulfil the work obligations according to the Constitution, the legislation of the Republic of Moldova and international treaties to which the Republic of Moldova is a party;
- b) comply with the provisions of the regulatory acts adopted within the Public Prosecution Service;
- c) ensure the respect for rights and fundamental freedoms in exercising his/her duties;
- d) follow the rules of conduct of prosecutors and to refrain from any acts that could discredit the image of the Public Prosecution Service or would affect the prestige of the prosecutor profession;
- e) enhance continuously his/her professional skills;
- f) submit an annual affidavit showing that he/she is not an investigating officer, including undercover officer or informer or employee of the body conducting the special investigative activity;
- g) submit, in compliance with the law, the declaration of income and property and the declaration of personal interests;
- h) inform the hierarchically superior prosecutor about any indications or requests made in violation of the law, as well as about the existence of any conflict of interest, or one that may occur;
- i) declare any acts of corruption, facts of corruptive behaviour and any actions related to the acts of corruption, which have become known;
- j) undertake measures with a view to denouncement and registration of all violations of laws, which became known while exercising his/her duties or outside it;
- k) to abide by the state secrecy rules, as well as other information with restricted access that have become known while carrying out his/her duties.

Chapter III. The Structure of the Public Prosecution Service

Article 7. The system of the Public Prosecution Service

- (1) The Public Prosecution Service is an integrated system, which includes:
- a) the General Prosecutor's Office;
 - b) specialized prosecutor's offices;
 - c) territorial prosecutor's offices.
- (2) The total number of prosecutors within the Public Prosecution Service shall be set by the Parliament, at the proposal of the Prosecutor General with the endorsement of the Superior Council of Prosecutors. The number of prosecutors within each prosecutor's office is set by the Superior Council of Prosecutors, at the suggestion of the Prosecutor General.
- (3) The structure of the General Prosecutor's Office, territorial and specialized prosecutor's offices, as well as their locations shall be established and amended by the Prosecutor General, with the written consent of the Superior Council of Prosecutors.
- (4) The Public Prosecution Service shall be headed by the Prosecutor General and his/her deputies, according to their areas of competence established by the Prosecutor General.

Article 8. General Prosecutor's Office

- (1) The General Prosecutor's Office shall be headed by the Prosecutor General and his/her deputies, according to their areas of competence, is a legal entity, has a Treasury account, and a stamp with the state coat of arms. The premises of the General Prosecutor's Office shall be based in Chisinau.
- (2) The General Prosecutor's Office has subdivisions headed by the chief-prosecutors or civil servants and, if appropriate, by their deputies.
- (3) the powers of the General Prosecutor's Office:
- a) leads, controls, organizes and coordinates the activity of the territorial and specialized prosecutor's offices;

- (b) upon the decision of the Prosecutor General, conducts and carries out the criminal investigation, represents the accusation in courts, in cases of great importance;
- c) represents the accusation in the Supreme Court of Justice;
- d) performs and coordinates the control of the bodies carrying out special investigative activity related to the legality of the performance of the special investigation measures;
- e) generalizes and contributes to the unification of the practice in the field of performing and leading the criminal investigation, and representation of accusations in the court;
- f) ensures the international legal assistance in criminal matters and international collaboration in its field of activity;
- g) takes part in the implementation of national and international policy of the state in criminal matter;
- h) within the limits of its competency, examines the applications and petitions received;
- i) participates in the drafting of regulatory acts in the field of activity of the Public Prosecution Service;
- j) manages the budget of the Public Prosecution Service;
- j¹) establish and maintain information systems, registers and databases for the institution's activities;
- k) collects, analyses and manages the data concerning the activity of the Public Prosecution Service;
- l) performs other functions determined by law and the international treaties to which the Republic of Moldova is a party.

Article 9. Specialized Prosecutor's Offices

(1) The specialized prosecutor's offices operate in certain special areas and have their competency throughout the territory of the Republic of Moldova. The Public Prosecution Service system includes the Anticorruption Prosecution Office and the Prosecution Office for Combating Organised Crime and for Special Causes. In case of necessity, by law, other specialized prosecutor's offices can be also established.

(2) The duties, competence, organization and functioning of specialized prosecutor's offices are regulated by special laws, criminal procedure legislation and their own regulations of activity.

(3) The specialized prosecutor's office is headed by the chief-prosecutor, who is assimilated to the General Prosecutor, who is helped by a deputy or where appropriate, by deputies, assimilated to the chief-prosecutor of the subdivision of the General Prosecutor's Office. Within the specialized prosecutor's office may be established subdivisions and these may have regional offices or representatives in the territory.

(4) The Anti-corruption prosecutor's office shall be specialized in combating corruption crimes, corruption related actions, and has the following specific duties:

- a) performs the criminal investigation in cases under its jurisdiction, according to the criminal procedural legislation;
- b) leads the criminal investigation in the cases investigated by the National Anti-corruption Center;
- c) represents the accusation in the courts of first instance, courts of appeal, and courts of cassation in the cases mentioned in paragraphs a) and b).

(5) The Prosecutor's Office for Combating Organised Crime and for Special Causes specializes in fighting organized crime, as well as terrorism and torture and has the following special duties:

- a) performs the criminal investigation in cases relating to torture, terrorism offences and offences committed by a criminal organization, as well as in other cases given in its competence by the law ;
- b) leads the criminal investigation in cases relating to offences, where the criminal investigation is performed by the criminal investigation bodies of the central specialised bodies;

c) exercises or leads the criminal investigation in cases submitted to it for further handling by the Prosecutor General;

d) represents the accusation in the court of first instance, courts of appeal, courts of cassation, in cases mentioned in paragraphs a), b), and c).

(6) Within the specialized prosecutor's offices operate constantly criminal investigation officers, investigative officers and specialists subordinated functionally to the chief-prosecutor of the specialized prosecutor's office. The criminal investigation officers and investigative officers are selected on individual basis by the chief-prosecutor of the specialized prosecutor's office and are seconded from other institutions for a period of up to 5 years, which can be renewed for the same period of time. The detachment is done by an order of the Prosecutor General with the approval of the chief of the institution, where the seconded person is working. The remuneration of the seconded criminal investigation officers, investigative officers and specialists is made from the budget of the Public Prosecution Service, according to the special legislation.

Article 10. Territorial Prosecutor's Offices

(1) The territorial prosecutor's offices operate within the court's jurisdiction, according to the territorial competence established in the Regulation of the Public Prosecution Service.

(2) The prosecutor's office of the Administrative Territorial Unity of Gagauzia (hereinafter the Prosecutor's Office of ATU Gagauzia) is a territorial prosecutor's office which exercises its attributions in the territory of the respective administrative territorial unity .

(3) The territorial prosecutor's office is headed by the chief-prosecutor and his/her deputy, if applicable, his/her deputies, in conformity with the competency established by the chief-prosecutor. In the territorial prosecutor's office can be created subdivisions led by the deputy (deputies) chief-prosecutor of the territorial prosecutor's office.

Article 11. Duties of the Prosecutor General

(1) The Prosecutor General shall have the following powers:

a) represent the Public Prosecutor's Office in relations with other public authorities, legal entities and individuals in the country and abroad;

b) on the proposal of the Superior Council of Prosecutors, appoint prosecutors;

c) exercises control over the work of prosecutors;

d) determines the areas of competence (duties) of his deputies;

e) approves the Regulations of the Prosecutor's Office, which shall be published in the Official Monitor of the Republic of Moldova;

f) issues, in writing, orders and provisions, approves regulations and methodological recommendations;

f¹) orders the establishment and the method of administration of information systems, registers and databases for the activity of the institution;

g) with the written consent of the Superior Council of Prosecutors, establish the internal structure of the prosecutor's offices;

g¹) upon referral to the Ministry of Justice, submitted in accordance with Article 271 para. (3) of the Law no. 151/2015 on the Government Agent, shall verify whether, in the course of the administration of justice, the judge or, as the case may be, the prosecutor has admitted actions or inactions that meet the constituent elements of a criminal offence, which resulted in the violation of the fundamental rights and freedoms of a person and led to one of the consequences referred to in Art. 2007 para. (1) lit. c) of the Civil Code of the Republic of Moldova no. 1107/2002;

h) requests consent to initiate criminal proceedings or, where appropriate, initiates criminal proceedings in cases provided for by law;

i) refer the matter to the Constitutional Court in accordance with the law;

j) organises and implements the internal managerial control system and bears managerial responsibility for the administration of the institution's budget and the public assets under management;

k) exercises other duties provided by law.

(2) Within 3 months of his appointment, the Prosecutor General shall appoint his deputies, assign to them the areas of competence and determine the order of substitution of his deputies in case of absence or impossibility to perform his functions. If the Chief Public Prosecutor has not determined the order in which his deputies are to replace him, the functions of the Chief Public Prosecutor shall be exercised automatically by the deputy with the most seniority in the position of Chief Public Prosecutor.

(3) The Prosecutor General shall submit to Parliament annually, by 31 March of the current year, a report on the work of the Prosecutor's Office in the previous year.

Article 12. Administrative hierarchy in the Public Prosecution Service

(1) The Prosecutor General and his/her deputies, according to established competency, are managers of the Public Prosecution Service. The heads of the General Prosecutor's Office subdivisions shall organize and conduct the activity of the subdivisions they lead, pursuant to powers laid down. The chief-prosecutor of the specialized prosecutor's office or territorial prosecutor's office shall organize and coordinate the activity of the prosecutor's office he/she lead.

(2) The orders, provisions and indications with regard to the organization and coordination of the work of the Public Prosecution Service and methodological and regulatory instructions of the prosecutors mentioned in paragraph (1) are mandatory for the subordinated prosecutors.

(3) The detailed rules regarding the administrative hierarchy in the Public Prosecution Service shall be laid down in the Regulation on the Public Prosecution Service.

Article 13. Procedural hierarchy of prosecutors

(1) The procedural hierarchy of prosecutors and the powers of the superior prosecutor are established by the provisions of the Code of Criminal Procedure.

(3) The instructions of the superior public prosecutor shall be formulated in writing in accordance with the law and shall be binding for the lower public prosecutors. The lower prosecutor may request the motivation of the indications of the higher prosecutor.

(4) The prosecutor shall have the right to refuse to execute an indication that is manifestly illegal and shall be obliged to challenge it to the prosecutor superior to the prosecutor who issued it.

Title II.

THE STATUS OF PROSECUTOR

Chapter IV.

Incompatibilities and Prohibitions

Article 14. Incompatibilities

(1) The position of prosecutor shall be incompatible with any other public or private position, as well as with any remunerated or non-remunerated activities.

(2) By derogation from the provisions of paragraph (1), the prosecutor may carry out teaching and scientific activities, and in collegiate bodies of public authorities or institutions. The rules on the cumulation of these activities shall be determined by the Superior Council of Prosecutors.

Article 15. Prohibitions

(1) The prosecutor is required to avoid, and if it occurs, to declare any conflict of interest while performing his/her duties.

(2) The prosecutor does not have the right to:

- a) be a member of any political party or force, to perform or participate in political activities, and, in the exercise of its authority, to express or manifest his/her political beliefs in any way;
- b) participate in strikes;
- c) participate in the investigation or examination of cases where he might be subject to objection;
- d) publicly express his/her opinion with regard to case-files that are not handled by him/her or with regard to cases in his/her administration, if this might infringe the presumption of innocence, the right to privacy of any person or may affect the criminal investigation;
- e) be an investigation officer, including undercover, informer or employee of the body carrying out the special investigation activity;
- f) carry out, either directly or through intermediaries, entrepreneurial or commercial activity;
- g) be the umpire in arbitration courts;
- h) provide advice, either written or verbal, on litigious matters, even if the respective matters are examined by another body of the Public Prosecution Service than the one where the prosecutor works, except for advising his/her spouse, children and parents, and the prosecutor cannot conduct any other activity, which, according to the law, is performed by a lawyer;
- i) be an associate or a member of a managerial, administrative or control body of any commercial society, including banks or other credit institutions.
- j) have and perform the functions of prosecutor in direct subordination to the husband (wife), related persons by blood or adoption (parents, children, brothers, sisters, grandparents, grandchildren, uncles, aunts) and persons related by affinity (brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, daughter-in-law).

Article 16. Dress Code

- (1) During the court meetings, the prosecutor is obliged to wear the robe.
- (2) The state shall provide free-of-charge clothing outfit to the prosecutors.
- (3) The model of robe and distinguishing marks shall be laid down in the regulation endorsed by the Superior Council of Prosecutors.

Chapter V. Prosecutor Selection and Career

Section 1. The appointment of the prosecutor

Article 17. The appointment of the Prosecutor General

- (1) To the position of the Prosecutor General there can be appointed a person who meets the following conditions:
 - a) has at least 10 years of professional experience in the field of law, obtained in the jurisdiction of the Republic of Moldova or foreign jurisdictions, including international organizations, including at least 5 years as a judge, prosecutor, lawyer or prosecution officer;
 - b) compliance with the requirements provided in Article 20, paragraph 1, a), b), c), d), f), g) and h);
 - c) has other managerial abilities;
 - d) in the last 3 years before the announcement of the contest, was not a member of any political party and/or did not conduct any political activity as part of a political party or socio-political organization;
 - e) in the last 6 months wasn't a member of the Superior Council of Prosecutors .
- (2) The candidate to the position of Prosecutor General is selected based on a public competition organized by the Superior Council of Prosecutors, which comprises the following stages:

a) selection of the candidates on the basis of applications submitted;

b) interview in front of the Superior Council of Prosecutors.

(3) The organization and conduct of the contest shall be determined by the regulation approved by the Superior Council of Prosecutors. The interview phase shall be transmitted online in real time. The Superior Council of Prosecutors ensures the access to media representatives at the meeting in which the interview takes place.

(4) The process for the selection of the candidate to the position of Prosecutor General shall be carried out according to some objective criteria, based on merit, taking into account his/her professional training, integrity and capabilities.

(5) The information relating to the launch and conduct of the competition shall be published on the official websites of the General Prosecutor's Office and Superior Council of Prosecutors, at least one month before the closing date for the submission of applications.

(6) The application file for the competition, including documents specified in article 22, paragraph (2), sub-paragraphs a), b) c), e), f) and g), the letter of motivation and the concept of management and institutional development, shall be submitted to the Superior Council of Prosecutors and registered as provided by law. The incomplete applications or the application submitted after the deadline shall not be examined.

(7) At the time of submission of the documents, candidates for the position of Prosecutor General are informed about the initiation of verification in accordance with Law No 271/2008 on the verification of holders and candidates for public office. The candidate will sign the verification statement.

(8) Within 20 working days from the deadline for the submission of applications, the Superior Council of Prosecutors shall draw up the list of candidates who satisfy the conditions for participation in the contest and to post it on its official website, by indicating the date when the interviews will take place.

(9) Interviewing of the candidates shall take place in a public meeting.

(10) The candidates shall be assessed by each member of the Superior Council of Prosecutors on the basis of the criteria approved by the Superior Council of Prosecutors. The final score shall be the average score given by all members of the Superior Council of Prosecutors. The candidate receiving the highest score shall be proposed by the Superior Council of Prosecutors to the President of the Republic of Moldova for appointment to the position of Prosecutor General.

(11) The President of the Republic of Moldova can reject only once the candidacy proposed by the Superior Council of Prosecutors for appointment to the position of Prosecutor General, if he/she finds compelling evidence of incompatibility of the candidate to the position in question, breach by the applicant of the legislation or violation of legal procedures for his/her selection. The refusal to appoint shall be reasoned and shall be made within 15 working days from the date of receipt of the proposal.

(12) In case of repeated proposal of the same candidacy, made based on a vote of 2/3 of the members of the Superior Council of Prosecutors, the President of the Republic of Moldova shall issue, within 5 working days, a decree on the appointment of the candidate to the position of Prosecutor General.

(13) The Prosecutor General shall be appointed in office for a term of 7 years, without the right to be re-appointed in this position.

(14) After the termination of the mandate, the Prosecutor General may continue his/her activity in any vacant position of prosecutor chosen by him/her, being appointed in this position without any competition, except if the term of office ends by removal from office following a performance appraisal or disciplinary action.

(15) Upon the occurrence of a vacancy in the office of the Prosecutor General or the suspension of the Prosecutor General from office in connection with the initiation of criminal proceedings against him, the Superior Council of Prosecutors shall, within 5 days, announce the date of a meeting to appoint an interim Prosecutor General.

(16) The interim Prosecutor General shall be selected by the Superior Council of Prosecutors from among the prosecutors in office, according to the criteria for the selection of the

incumbent. The selected candidate shall be proposed to the President of the Republic for appointment as interim Prosecutor General. The stipulations of para. (11) and (12) shall apply accordingly.

(17) The interim office of the Prosecutor General shall automatically cease upon the appointment of a new Prosecutor General or upon the end of the suspension from office of the Prosecutor General against whom the prosecution was previously initiated. If the interim period of office is ended as a result of a vacancy in the office of Prosecutor General, a new Prosecutor General shall be appointed no later than six months after the vacancy occurs.

Article 18. The Appointment of the Deputies Prosecutor General

(1) The candidate to the position of Deputy Prosecutor General shall be proposed by the Prosecutor General.

(2) As Deputy Prosecutor General may be appointed a person who has, in the last 15 years, at least 5 years of experience as a prosecutor and who has organisational capacities.

(3) The deputies of the Prosecutor General shall be appointed without any competition, by the order of the Prosecutor General, with the written consent of the Superior Council of Prosecutors.

(4) The mandate of the Deputy Prosecutor General shall finish with the mandate of the Prosecutor General, but they shall continue to exercise their duties until the appointment of the deputies of the new Prosecutor General.

(4¹) In the event of the suspension of the Prosecutor General from office in connection with the initiation of criminal investigations against him/her, the Superior Council of Prosecutors shall decide, by a decision, on the suspension from office of the deputies of the Prosecutor General. The suspension from office of the deputy of the Prosecutor General shall end when the suspension from office of the Prosecutor General ends. If the deputy of the Prosecutor General is not suspended from office, he or she may not intervene in any criminal case against the suspended Prosecutor General, nor in any case being investigated or examined by the prosecutor designated by the Superior Council of Prosecutors to prosecute the suspended Prosecutor General.

(5) The deputies of the former Prosecutor General may be appointed as deputies of the new Prosecutor General.

(6) After the termination of the mandate, the deputies of the Prosecutor General may proceed in any vacant position of prosecutor chosen by him/her, being appointed without any competition.

Article 19. Selection of candidates for the position of prosecutor and prosecutor's career

(1) The selection of the candidates to the office of the prosecutor and the prosecutors' career shall be made by means of a competition and aims at ensuring an objective, impartial and transparent selection process to guarantee the selection of the best candidates for the respective position.

(2) The prosecutor's career involves promotion to a higher position of prosecutor in the General Prosecutor's Office or prosecutor in the specialised prosecutor's office, appointment to the position of Chief Prosecutor and Deputy Chief Prosecutor, and transfer of the prosecutor to a position at the same or a lower level.

Article 20. Requirements for applying to the position of prosecutor and chief-prosecutor

(1) To the position of prosecutor can be appointed the person who shall meet the following requirements:

- a) citizenship of the Republic of Moldova;
- b) know the state language;
- c) full legal capacity;

d) Diploma in the field of law, Bachelor and Master Degree Diploma or other document of studies in the field of law equivalent to them, recognized by the structure empowered for recognition and equivalence of studies and qualifications;

e) be a graduate of the initial training of prosecutors of the National Institute of Justice, or, for a person who has the length of service which is necessary for the appointment to the respective position, passed the examination in front of the Graduation Commission of the National Institute of Justice;

f) enjoys a irreproachable reputation;

g) was not previously found guilty in committing a crime;

g¹) does not have, in the last 5 years, in the record of professional integrity, entries on the negative result of the professional integrity test for violation of the obligation referred to in Article 7 para. (2) letter a) of the Law no. 325/2013 on institutional integrity assessment;

h) be capable from the medical point of view of exercising the prosecutor's duties;

(2) The person cannot be regarded as having an irreproachable reputation under paragraph (1) and may not run for the position of prosecutor in case of any of the following circumstances:

a) was dismissed from the positions specified in paragraph (3) for violation of professional activity within the last 5 years;

b) abusive consumption of alcohol or psychotropic, toxic substances, or drugs;

c) is not allowed to hold a public office or a position of public dignity, as a result of an act of the National Integrity Authority.

(3) A person who has not completed the initial training courses for prosecutors at the National Institute of Justice may apply for the position of prosecutor if he/she has at least 5 years of experience as a prosecutor or judge in national or international courts, as a criminal prosecution officer, as a lawyer, as a People's Advocate, as a prosecutor's consultant, judicial assistant in court, also in legal specialist positions in the apparatus of the Constitutional Court, the Supreme Council of Prosecutors, the Supreme Council of Magistrates, the Ministry of Justice, the Ministry of Internal Affairs, the National Anti-Corruption Centre, the Customs Service or as a full professor of law in accredited higher education institutions.

(3¹) A person who has served as a prosecutor, judge or lawyer for at least 10 years and whose function has ceased for reasons not attributable to him/her may apply for the position of prosecutor. In this case, the person may apply without taking the examination before the Graduation Commission of the National Institute of Justice.

(4) For the position of the prosecutor at the specialized prosecutor's offices or General Prosecutor's Office, as well as for the positions provided in Article 25, paragraph (4), may apply a prosecutor who:

a) has at least four years' seniority as a prosecutor;

(b) in the performance appraisal, has obtained at least a 'very good' rating.

(5) At the position of chief prosecutor of the ATU Gagauzia Prosecutor's Office can candidate the person who meets the requirements of current law, for the position of prosecutor, and who:

(a) has at least 10 years' continuous professional experience in the field of law, including five years as a prosecutor or judge;

b) in the last 3 years prior to the announcement of the competition, has not been a member and/or has not carried out activities of a political nature within a political party or socio-political organisation;

c) knows the Gagauz language.

(6) At the position of deputy chief prosecutor of the ATU Gagauzia Prosecutor's Office can candidate the prosecutor who meets the requirements provided by parag. (4) and knows Gagauz language.

(7) The prosecutor who has disciplinary sanctions in force may not participate in the competitions mentioned in parag.(4) - (6).

Article 21. Checking the health status of candidates for the position of prosecutor and acting prosecutors

(1) The state of health of candidates for the position of prosecutor and of prosecutors in office who wish to take part in the competition shall be checked before they are entered in the Register of Candidates to fill vacant posts.

(2) The health check of prosecutors in office shall take place every five years.

(3) The health check shall also include a psychological and psychiatric assessment of candidates for the post of prosecutor and of prosecutors in office.

(4) The health requirements and the procedure for determining the health status of candidates for prosecutors and prosecutors in office, including the list of illnesses that do not allow the performance of the prosecutor's duties, shall be approved by order of the Minister of Health, Labour and Social Protection after coordination with the Supreme Council of Prosecutors.

(5) The state of health of candidates for the office of public prosecutor and prosecutors in office shall be verified by a specialized commission of the Ministry of Health, Labour and Social Protection, which shall issue a medical certificate on the state of health, containing conclusions on the compliance of the candidate or prosecutor in office with the requirements for the exercise of the office, which shall then be submitted to the Supreme Council of Prosecutors.

Article 22. Registry of candidates to fill vacant positions

(1) In order to be appointed as prosecutor, the candidates meeting the conditions laid down in Article 20, are entered in the Registry of candidates to fill vacant functions (hereinafter - the Registry) based on the application submitted and regardless of the existence of vacancies at the time of registration.

(2) In order to be entered into the Registry, the candidate for the prosecutor position shall submit the following documents:

a) the application for participation in the contest;

b) a curriculum vitae;

c) a copy of education diploma;

d) the certificate of graduation from the National Institute of Justice or the certificate confirming that the person has passed the examination before the National Institute of Justice graduation commission, except if the person is applying for the position of prosecutor under Article 20 para. (3¹);

e) a copy of the employment record book, in case of candidates who have employment record books;

f) criminal record certificate;

g) the medical certificate concerning the state of health;

h) declaration of assets and personal interests;

j) reference letters from the last place of work or study;

(3) At the moment of submitting the documents, the person shall be informed of the initiation of procedures provided in Article 17, paragraph (7) of this law.

(4) The acting prosecutor willing to be transferred or promoted may be entered in the Registry, if he/she has undergone a performance evaluation during the last two years before submitting the application for entry into the Registry. Prosecutor seeking appointment to the position of chief - prosecutor or deputy chief-prosecutor may be entered in the registry if he/she has undergone a performance evaluation during the last two years before submitting the application for entry into the Registry.

(5) The Registry shall be kept by the Secretariat of the Superior Council of Prosecutors and shall compose the following compartments:

a) list of candidates to the vacant position of prosecutor;

b) list of prosecutors seeking the transfer or promotion;

c) list of prosecutors seeking appointment to the position of chief - prosecutor or deputy chief-prosecutor.

(6) The procedure for inclusion of the candidates in the Registry shall be approved by the Superior Council of Prosecutors.

(7) The Registry shall be placed on the website of the Superior Council of Prosecutors.

Article 23. Criteria for prosecutor selection and career

(1) The College for Prosecutors Selection and Career under the Superior Council of Prosecutors shall assess the candidates registered in the Registry referred to in Article 22 on the basis of the criteria laid down in this law and according to the Regulation approved by the Superior Council of Prosecutors.

(2) Within the contest, the College for Prosecutors Selection and Career considers the applicants on the basis of the following criteria:

- a) the level of professional knowledge and skills;
- b) the ability in practical application of knowledge;
- c) length of service as a prosecutor or other positions laid down in Article 20;
- d) quality and effectiveness in office of public prosecutor;
- e) compliance with the rules of professional ethics;
- f) scientific and educational activity.

(3) The procedure and criteria for the selection of candidates for the post of prosecutor and prosecutor career shall be established in details in the regulation referred to in paragraph (1), to be published on its website.

(4) When assessing the candidate to the position of prosecutor, the total score obtained in the contest shall be as follows: at least 50% of the score obtained at the examination before the Graduation Commission at the National Institute of Justice and maximum 50% of the score given by the College for Prosecutors Selection and Career. In case of prosecutors' career, at least 50% shall be the result of professional assessment and maximum 50% shall be provided by the College for Prosecutors Selection and Career.

(4¹) In evaluating candidates for the position of prosecutor who take part in the competition under the terms of Article 20 para. (3¹), the score obtained in the competition shall be the score of the College for the Selection and Career of Prosecutors, awarded up to 100%.

(5) As a result of the competition, each member of the College for Prosecutors Selection and Career shall provide a score for each candidate on the basis of the regulation referred to in paragraph (1). The score accumulated by a candidate means the average score given by the College's members.

Article 24. The contest for prosecutor selection and career and filing in vacancies

(1) The Superior Council of Prosecutors periodically shall announce vacancies or positions that will become vacant in the next 3 months by placing information on its official website. All the announced vacancies are filed at the next contest.

(2) College for Prosecutors Selection and Career shall assess all candidates entered on the Registry. In case of an unreasoned no-show in front of the College for Prosecutors Selection and Career or refusal of the candidate to be assessed, he/she is removed from the Registry.

(3) The results of the candidates' assessment shall be published on the official website of the Superior Council of Prosecutors within 2 working days.

(4) The candidates who disagree with the results of appraisal may lodge appeals with the Superior Council of Prosecutors within 5 working days from the publication of the results. The appeal shall be settled at the first meeting of the Council, but not later than 20 working days after it was lodged. The decision of the Superior Council of Prosecutors may be appealed in the Supreme Court of Justice just in what refers to the adoption procedure.

(5) Candidates apply for appointment to the posts advertised in descending order of the score obtained at the College for the Selection and Career of Prosecutors. The decision on the appointment of candidates to the vacant posts of prosecutor shall be taken by the Superior Council of Prosecutors on the basis of its own regulations, taking into account the post selected by the candidate, the marks awarded by the College for the Selection and Career of Prosecutors, the mark

obtained in the examination held before the National Institute of Justice's graduation committee, the criteria laid down in Article 23, (2), as well as other relevant information available to the Superior Council of Prosecutors related to the candidate's career and integrity.

(6) At the next meeting, the Superior Council of Prosecutors shall propose to the Prosecutor General the appointment of the competition winner.

Article 25. The appointment of prosecutors

(1) The appointment of the prosecutor, chief-prosecutor of the prosecutor's office or deputy chief-prosecutor of the prosecutor's office, chief-prosecutor of the subdivision of the General Prosecutor's Office or deputy chief-prosecutor of the General Prosecutor's Office subdivisions shall be done by an order of the Prosecutor General, on a proposal from the Superior Council of Prosecutors.

(2) Within 5 working days of receipt of the proposal, the Prosecutor General is required to adopt a decision. The Prosecutor General may reject in a motivated way the candidature submitted for the appointment. The Superior Council of Prosecutors may propose the same candidacy repeatedly with a vote of 2/3 of its members. This proposal is mandatory for the Prosecutor General.

(3) Candidates to the office of the chief prosecutor of the ATU of Gagauzia shall be proposed by the People's Assembly with at least 3 months prior to the occurrence of vacation, if it occurs before the mandate expires, in a period of 2 months from the occurrence of vacation.

(4) The mandate of the chief-prosecutor of prosecutor's office, deputy chief-prosecutor of the prosecutor's office, chief-prosecutor of the General Prosecutor's Office subdivisions, and deputy chief-prosecutor of the General Prosecutor's Office subdivisions is of 5 years. Staying in the same position may not exceed 2 consecutive mandates. At the end of the mandate, he/she shall be proposed the appointment, without competition, in one of the vacant position of prosecutor, with the exception of the chief-prosecutor.

Article 25¹. Appointment as Chief Public Prosecutor of the specialised prosecution service

(1) A person who meets the following conditions may apply for the position of Chief Public Prosecutor of the specialised prosecution service:

a) has at least 10 years of professional experience in the field of law, obtained in the jurisdiction of the Republic of Moldova or foreign jurisdictions, including international organizations, of which at least 4 years as a judge, prosecutor, lawyer or criminal prosecution officer;

b) fulfils the conditions laid down in Article 20 para. (1) (a) to (d), (g) and (h);

(c) has managerial competence appropriate to the position of Chief Public Prosecutor of the specialised prosecution service;

c¹) has professional competence appropriate to the position of Chief Public Prosecutor of the specialised prosecution service;

(d) in the three years preceding the announcement of the competition, has not been a member of and/or been politically active in a political party or socio-political organisation;

(e) has not been a member of the Superior Council of Prosecutors for the last 6 months;

f) he/she has an irreproachable reputation and there are no reasonable suspicions regarding the commission of acts of corruption, acts related to them or corruptible acts within the meaning of the Integrity Law no. 82/2017.

(2) The candidate for the position of Chief Prosecutor of the specialised prosecutor's office shall be selected by public competition, which shall include the following stages:

(a) pre-selection of candidates by a special commission established by the Superior Council of Prosecutors;

b) selection of the candidate for the position of Chief Prosecutor of the specialised prosecution service by the Superior Council of Prosecutors from among eligible candidates.

(3) The procedure for the organisation and conduct of each stage of the competition shall be established by regulations approved by the Superior Council of Prosecutors. The criteria and the method of evaluation of candidates in the pre-selection stage shall be determined by the special committee.

(4) The competition for the position of Chief Prosecutor of the specialised prosecutor's office shall be initiated by the High Council of Prosecutors no later than 15 days after the vacancy occurs. The competition shall be conducted according to objective criteria based on merit, taking into account the integrity and managerial abilities of the candidates.

(5) Information on the opening of the competition and the pre-selection shall be published on the official website of the Superior Council of Prosecutors at least 15 days before the deadline for submission of applications.

(6) The application file for the competition, containing the documents referred to in Article 22 para. (2) letters a)-c) and f)-h), the motivation letter and the concept of management and institutional development, shall be submitted to the Superior Council of Prosecutors on paper or in electronic format and shall be registered in the established manner. Incomplete files or files submitted after the deadline will not be examined.

(7) The pre-selection of candidates for the position of Chief Prosecutor of the specialized prosecutor's office shall be carried out by a special commission established ad hoc by the Superior Council of Prosecutors, composed of 5 members as follows: one is proposed by the President of the Republic of Moldova, one by the Ministry of Justice and 3 by the Superior Council of Prosecutors. The membership of the special commission may be held by persons who are qualified in the field of law, have at least 10 years of professional experience in the field of professional activity in the country or abroad and enjoy an irreproachable reputation. At least 3 members of the special commission shall be recognized experts with extensive experience in the field of specialized prosecution, prevention and fight against corruption and organized crime, including abroad. At least one member of the special commission shall be a representative of civil society with experience in the field of combating corruption and/or organised crime, as appropriate.

(8) Within 10 working days of the closing date for the submission of applications, the special committee shall organise and conduct the pre-selection of candidates, which shall consist of two stages. In the first stage, the committee shall verify that the candidates meet the eligibility criteria set out in paragraph 2. (1)(a), (b), (d) and (e). Candidates who do not meet those eligibility criteria shall be excluded from the preselection by a decision of the special committee adopted by a majority of the members present. In the second stage, the committee shall interview and assess the remaining candidates as to whether they meet the eligibility criteria set out in paragraph 1. (1) point (a). c), c1) and f). The interviews shall be video/audio recorded and the recordings shall be placed on the official website of the Superior Council of Prosecutors immediately after the last interview. If necessary, the special committee is entitled to extend the time limit for organising and conducting the assessment of candidates by a maximum of 15 working days. The special committee shall decide whether the candidates meet the criteria laid down in paragraph (1) lit. (c), (c1) and (f) by a majority vote of its members. Candidates who do not meet those criteria shall be excluded from the pre-selection. Each member of the special committee shall complete an evaluation sheet for each candidate remaining in the pre-selection, awarding marks for each of the criteria set out in paragraph 1. (1)(a) and (b). (c) and (c¹). The final score obtained by the eligible candidates, which is the average of the scores awarded by each member of the selection board, shall be recorded on a total score sheet. The list of eligible candidates remaining in the pre-selection competition after both stages, together with their evaluation sheets and the total score sheet, is forwarded to the High Council of Prosecutors.

(9) Candidates admitted to the competition have the right to object to the decision of the special committee within 3 days. Objections shall be examined by the special committee within 3 days from the date of expiry of the deadline for submitting them, in the procedure established for the evaluation of candidates, with the right to reject the objections in whole or in part, to amend, revoke the decision and adopt a new decision or to resume the evaluation procedure.

(10) The Superior Council of Prosecutors shall, within 10 working days from the date of receipt of the decision of the special committee, accompanied by the candidates' files and the evaluation forms, examine the files, interview the candidates admitted to the competition and adopt the decision to advance the candidate to the position of Chief Prosecutor of the specialised prosecution office from among the candidates admitted to the competition, selected by the special committee, or, where appropriate, to return the decision of the special committee on the outcome of the competition under the conditions of paragraph (1). (The interview shall take place in open court.

(11) The Superior Council of Prosecutors may, by means of a reasoned decision, which shall be placed on its official website, return the decision of the special committee on the result of the competition if violations of the legal procedure are established. After examining the objections of the Superior Council of Prosecutors, the special committee shall submit to the Superior Council of Prosecutors a reasoned decision, which shall be made public, on maintaining the original decision on the outcome of the competition or requesting that a new competition be launched. If the special committee upholds its original decision and the Superior Council of Prosecutors does not support the arguments presented, and if the committee requests that a new competition be launched, the Council shall, by a reasoned and public decision, initiate a new competition.

(12) If it does not select any of the candidates submitted by the special committee, the Superior Council of Prosecutors shall, within 10 days, order a repeated competition for the position of Chief Prosecutor of the specialised prosecution service. The mandate of the special committee may not be changed or cancelled in the repeated competition.

(13) The repeated competition shall be conducted in accordance with the conditions set out in paragraph 1. (1)-(11).

(14) The Prosecutor General shall have the right to reject the candidacy proposed by the Superior Council of Prosecutors for the position of Chief Prosecutor of the specialised prosecution office in case of undeniable evidence of incompatibility of the candidate with the position, violation of the legislation by the candidate or violation of the legal procedures for his or her selection. Reasons must be given for the refusal of appointment and the refusal shall be made within 10 working days of receipt of the proposal.

(15) If the application is rejected by the Prosecutor General under the conditions of para. (14), the Superior Council of Prosecutors shall return to the special committee the candidate's file, accompanied by the Prosecutor General's reasoned refusal and the attached evidence. The objections of the Prosecutor General set out in the refusal to appoint the candidate, accompanied by the evidentiary material, shall be examined in a meeting of the special committee, with the participation of the Prosecutor General and the rejected candidate, within 10 days from the receipt of the file. The special committee has the right to reject the objections in whole or in part, to amend or revoke the decision and adopt a new decision or to resume the preselection procedure.

(16) In case of repeated nomination of the same candidate, the Prosecutor General shall issue, within 5 working days, the order on the appointment of the candidate to the post of Chief Prosecutor of the Specialised Public Prosecutor's Office.

Article 25². Appointment of deputies of the Chief Prosecutor of the specialized prosecution service

(1) The candidate for the position of Deputy to the Chief Prosecutor of the specialised prosecution service shall be proposed by the Chief Prosecutor of the specialised prosecution service concerned.

(2) A person who has at least 5 years of professional experience as a prosecutor in the last 15 years and who has organisational capacities may be appointed to the position of deputy chief prosecutor of the specialised prosecution office.

(3) The deputy chief prosecutor of the specialised prosecutor's office shall be appointed without a competition by order of the Prosecutor General, with the written consent of the Superior

Council of Prosecutors expressed on the proposal submitted by the chief prosecutor of the respective specialised prosecutor's office.

(4) The term of office of the deputy chief prosecutor of the specialised prosecution office shall end with the term of office of the chief prosecutor of the specialised prosecution office concerned, but the deputy chief prosecutor shall continue to exercise his/her duties until the appointment of the new deputy chief prosecutor of the specialised prosecution office.

(5) The deputy of the former Chief Prosecutor of the specialised public prosecutor's office may be appointed as deputy of the new Chief Prosecutor of the specialised public prosecutor's office.

Article 26 The procedure of selecting the candidate for the position of chief prosecutor of the ATU of Gagauzia Prosecutor's Office

(1) The candidate for the position of chief prosecutor of the ATU Gagauzia Prosecutor's Office is selected by the People's Assembly of Gagauzia under the conditions and criteria established by the Law on Public Prosecution Service and the regulation approved by the Superior Council of Prosecutors. The candidate shall be selected following a public competition organized and carried out in accordance with the procedure established by the local law of the People's Assembly of Gagauzia.

(2) When assessing the participants in the competition for the position of chief prosecutor of the ATU Gagauzia Prosecutor's Office, the People's Assembly of Gagauzia applies the score in accordance with Regulation approved by the Superior Council of Prosecutors.

(3) The People's Assembly of Gagauzia proposes the selected candidate for verification to the Superior Council of Prosecutors.

4) Based on the materials submitted by the People's Assembly of Gagauzia, the Superior Council of Prosecutors, within a month, verifies the compliance of the procedure and the candidate suitability to the conditions and criteria provided by the Law on Public Prosecution Service and the Regulation approved by the Superior Council of Prosecutors and proposes the candidature for appointment to the Prosecutor General.

5) If the Superior Council of Prosecutors identifies violations of procedure for selecting the candidate or he/she does not correspond to the conditions or criteria, the Superior Council of Prosecutors rejects with arguments the candidacy proposed by the People's Assembly of Gagauzia.

6) The People's Assembly of Gagauzia can propose repeatedly the same candidate with the vote of 2/3 of its members. If the Superior Council of Prosecutors repeatedly establishes the procedure's violation or noncompliance to the conditions or criteria, it rejects with arguments the candidacy. The same candidature rejected the second time due to the nonconformity to the conditions or criteria, cannot be proposed once more for the position of chief prosecutor of the ATU Gagauzia Prosecutor's Office, therewith a new competition will be organised.

Article 27. The prosecutor's oath

(1) After the appointment, the General Prosecutor and the prosecutor shall take the following oath:

"I swear to strictly abide by the Constitution, and by the laws of the Republic of Moldova, human rights and freedoms and to conscientiously fulfill my duties".

(2) Refusal to take the oath shall result *de jure* in the nullification of the appointment.

(3) The Prosecutor General shall take the oath on the date of appointment in front of the President of the Republic of Moldova and members of the Superior Council of Prosecutors.

(4) The prosecutors shall take the oath in front of the Prosecutor General and members of the Superior Council of Prosecutors.

(5) The taking of the oath shall be recorded in a declaration, which shall be signed by the person who has taken the oath, the Prosecutor General and the President of the Superior Council of Prosecutors .

Article 27¹. Interim provision

(1) The interim provision of the position of Chief Prosecutor, Deputy Chief Prosecutor, Chief Prosecutor of the General Prosecutor's Office or Deputy Chief Prosecutor of the General Prosecutor's Office shall be made by order of the Prosecutor General.

(2) At its first meeting, the Superior Council of Prosecutors shall approve or reject the interim appointment by order of the Prosecutor General.

(3) If it rejects the interim ordered by the Prosecutor General, the Superior Council of Prosecutors shall appoint the interim to the position.

(4) The interim shall last until the position is filled in accordance with the provisions of this Act.

Section 2. **Prosecutor's performance assessment**

Article 28. The purpose of assessing the prosecutors' performance

The prosecutors' performance shall be assessed by the Prosecutors performance evaluation College subordinated to the Superior Council of Prosecutors, with the aim of assessing the activity, the level of professional knowledge and skills of prosecutors, their compliance with the position held, as well as for improvement of professional skills and enhancing the effectiveness of the work of prosecutors.

Article 29. Forms of evaluation of prosecutors' performance

(1) The performance evaluation of prosecutors shall take two forms:

- (a) periodic evaluation;
- b) extraordinary evaluation.

(2) Prosecutors shall be subject to periodic performance appraisals once every four years. The performance of the person appointed as a prosecutor shall be evaluated during the first year of service.

(3) The Prosecutor shall be subject to extraordinary performance evaluation:

- (a) at his or her request, but not more often than once a year;
- (b) in the case of participation in the competition for the post of Chief Prosecutor;
- c) in the case of obtaining the qualification "insufficient".

Article 30. Procedure for evaluating the performance of prosecutors

(1) The procedure and detailed criteria for the evaluation of the performance of prosecutors shall be laid down in a regulation approved by the Superior Council of Prosecutors and published on its official website.

(2) The regulation referred to in paragraph 1 establish:

- (a) the limits of the scope of the performance evaluation process for prosecutors;
- (b) the methodology, procedure and duration of the evaluation of prosecutors' performance;
- (c) the criteria for the evaluation and performance indicators of prosecutors;
- (d) the sources of information and means of collecting information necessary to evaluate prosecutors' performance.

(3) The list of performance indicators shall also include indicators of impact on the rights and freedoms of persons with a view to achieving maximum efficiency and constantly reducing the negative impact on them.

Article 31. Decision on performance assessment

(1) As a result of the prosecutor's performance assessment, the Prosecutors performance evaluation College shall approve one of the following decisions:

- a) decision on passing successfully the performance assessment by granting the rating – “good”, “very good” or “excellent”;
- b) decision on obtaining the rating – “insufficient”;
- c) decision on failure to pass the performance assessment.

(2) The decision on the performance assessment shall indicate the appropriate rating and score obtained, as well as recommendations for improving the activity.

(3) In the cases referred to in paragraph (1), sub-paragraph b), the prosecutor shall be subject to an extraordinary assessment, not earlier than 6 months but not later than one year after the previous evaluation.

(4) In case of “insufficient” rating during two consecutive assessments or in case of failure to pass the performance assessment, the prosecutor shall be dismissed from the office.

(5) In case any appearances of misconduct are found, the Prosecutors performance evaluation College shall inform the Inspection of Prosecutors about the matter.

Article 31¹. Performance evaluation of the Prosecutor General

(1) For the purpose of assessing the activity and the appropriateness of the position held, the performance of the Prosecutor General shall be evaluated by a performance evaluation committee of the Prosecutor General, set up ad hoc by the Superior Council of Prosecutors.

(2) The evaluation of the Prosecutor General's performance shall be initiated upon the request of the President of the Republic or at least 1/3 of the members of the Superior Council of Prosecutors. The evaluation of the performance of the Prosecutor General may not take place more often than once every two years and only for the period preceding the date of the evaluation in which the person has actually worked. For the same period of activity, no more than one evaluation procedure may be initiated.

(3) The Performance Appraisal Commission of the Prosecutor General shall be established within 10 days of the initiation of the appraisal procedure. The Commission shall be composed of 5 members, at least 2 of whom shall have at least 7 years of professional experience as a prosecutor. The members are proposed as follows: one - by the President of the Republic, one - by the Ministry of Justice, one - by the Superior Council of Magistracy, one - by the Superior Council of Prosecutors and one - by the Prosecutor General under evaluation. The fact that no proposals for the composition of the commission have been submitted by all the subjects does not prevent the constitution of the commission if members have been proposed by at least 3 subjects, at least 2 of whom have at least 7 years of professional experience as a prosecutor. Meetings of the evaluation committee shall be deliberative if attended by a majority of the members indicated in the constituent instrument.

(4) The membership of the Performance Review Board of the Prosecutor General may be held by persons who are qualified in the field of law, public management, with at least 10 years of experience in the field of professional activity and an irreproachable reputation. The members of the Performance Review Commission of the Prosecutor General proposed by the President of the Republic and the Ministry of Justice may not be employed in the public service. The membership of the Performance Review Commission of the Prosecutor General may not be held by persons subordinate to the Prosecutor General.

(5) The work of the Prosecutor General shall be evaluated on the basis of the following evaluation criteria:

(a) managerial competence in relation to: qualitative planning of the Prosecutor's Office's work; organising operational management, including by clearly allocating tasks among the Prosecutor's Office's subdivisions and applying standards for controlling their implementation; developing risk management policies; creating and maintaining a positive organisational work climate, motivating and stimulating staff professionalism; ensuring staff performance evaluation;

adapting management style to the requirements of the function and taking responsibility for decisions taken;

(b) professional competence in: using professional skills and abilities to optimally carry out the tasks and, by extension, the functions of the Office; carrying out operational processes; making informed decisions;

c) efficiency in terms of: effective management of human, technical and information resources; ensuring and promoting legality, integrity and meritocracy of staff; implementing risk management, including the risks of corruption, of prosecutors using their duties for interests other than those established by law and of uneven application of the law; ensuring the functionality of the staff specialisation mechanism;

d) effective internal and external communication.

(5¹) The level of compliance of the Prosecutor General's performance with the requirements of the office shall be determined by reference to the performance indicators established in relation to each evaluation criterion.

(5²) The evaluation method and performance indicators shall be set out in detail in a regulation approved by the Superior Council of Prosecutors. The regulation shall contain the elements provided for in Article 30 (2). (2) and (3) and shall be published on the official website of the Superior Council of Prosecutors.

(6) The Performance Review Commission of the Prosecutor General shall have the right to hear any prosecutor or other employee of the Prosecutor's Office, to request and receive from any person written explanations, data and information, including analytical data, to involve independent experts in the evaluation process, to order audit control, including of institutional management. The Evaluation Commission must hear the Prosecutor General.

(7) Following the evaluation of the Prosecutor General's performance, the performance evaluation committee of the Prosecutor General shall, within 30 days at the latest, draw up a reasoned report proposing to award one of the following ratings: "excellent", "good", "unsatisfactory". The report with the proposed rating, which is of an advisory nature, shall be submitted to the Superior Council of Prosecutors.

(8) The Superior Council of Prosecutors shall examine the report of the performance evaluation committee of the Prosecutor General. As a result of the examination, the Superior Council of Prosecutors shall adopt a decision on awarding one of the ratings "excellent" "good", "unsatisfactory" or, if it considers that the evaluation carried out by the committee was conducted in violation of the procedure and this violation had a determining effect on the results of the evaluation, it shall adopt a decision on returning the report for the performance evaluation procedure to be repeated. When repeating the performance appraisal procedure, the performance appraisal committee of the Prosecutor General shall be obliged to take into account the objections raised by the Superior Council of Prosecutors.

(9) In the event of the adoption of the decision on the "unsatisfactory" rating, the Superior Council of Prosecutors shall propose to the President of the Republic the dismissal of the Prosecutor General.

(10) In the event of finding any appearance of disciplinary misconduct, the performance evaluation committee of the Prosecutor General shall refer the matter to the Superior Council of Prosecutors in accordance with Article 52¹.

Section 3.

Continuous Professional Training of Prosecutors

Article 32. Continuous Professional Training of the Prosecutors

(1) During the continuous training there should be taken into account the dynamics of the legislative process. This training should include, in particular, the deepening of the knowledge of

national legislation, of the European and international acts, to which the Republic of Moldova is a party, of the case-law of the national and foreign courts of law.

(2) The responsibility for the continuous training of prosecutors shall lie with the National Institute of Justice, with heads of the prosecutor's offices where prosecutors shall conduct their activity, as well as with each prosecutor through the individual training.

(3) Prosecutors shall participate at least 40 hours per year in the programmes of continuous training organized by the National Institute of Justice, in the programmes organized by other higher education institutions from the country or from abroad, or in other activities of vocational training.

(4) The continuous training of prosecutors shall be carried out with due account to the necessity of the prosecutors' specialization.

(5) Within each body of the Public Prosecution Service there shall be periodically organized activities of continuous training.

(6) When drafting the curricula and topics on the continuous training of prosecutors there should be taken into consideration the suggestions and individual needs of prosecutors and prosecutors should be offered possibilities to choose the field they wish to improve in.

Chapter VI. GUARANTEEING THE PROSECUTOR'S INDEPENDENCE

Article 33. Ensuring of the prosecutor's independence

(1) The prosecutor's independence shall be guaranteed by:

- a) a strict determination by the law of the prosecutor's status, the delimitation of the functions of the Public Prosecution Service, and of the prosecutor's competences and attributions in the course of the exercise of the functions of the Public Prosecution Service;
- b) the procedure of the prosecutor's appointment, suspension, and dismissal;
- c) his/her inviolability;
- d) discretion in decision-making granted by the law to the prosecutor exercising his/her functions;
- e) establishment by the law of prohibitions as to interferences of other persons or authorities with the activity of the prosecutor;
- f) allocation of adequate resources necessary for the functioning of the Public Prosecution Service, the creation of organizational and technical conditions that are favourable for the activity of these bodies;
- g) material and social insurance of the prosecutor;
- h) other measures stipulated by the law.

(2) During the decision-making process the prosecutor shall be independent in the conditions provided by the law.

(3) If the decisions adopted by the prosecutor are illegal, these can be annulled on grounded reasons by the hierarchically superior prosecutor.

(4) The person, whose legitimate rights and interests were affected by the actions, inactions or acts of the prosecutor, may appeal these to the hierarchically superior prosecutor. The decision of the hierarchically superior prosecutor to settle the claim may be appealed in the Court.

Article 34. The inviolability of the prosecutor

(1) The inviolability of the prosecutor shall provide him/her with guarantees of protection against any influences upon or interferences with his/her activity.

(2) The entering in the prosecutor's dwelling place or office, in his/her the personal or service vehicle, in the execution of controls, searches or seizure of assets, the interception of telephone communications, body search, control and seizure of correspondence, objects or documents which belong to the prosecutor shall be authorized only under the conditions provided by the legislation.

(3) The prosecutor cannot be brought to legal liability for statements made by observing the professional ethics.

(4) The criminal investigation against the prosecutor can be initiated only by the Prosecutor General. Along with launching the criminal investigation, the Prosecutor General shall inform the Superior Council of Prosecutors about the matter for the commencement of disciplinary proceedings.

(5) The criminal investigation against the Prosecutor General can be initiated only by a prosecutor appointed by the Superior Council of Prosecutors.

Chapter VII.

Incentive measures. The Disciplinary and Patrimonial Liability of the Prosecutor

Section 1.

Incentive measures

Article 35. Incentives

(1) For the exemplary fulfilment of the service duties, actions with the spirit of sacrifice or for outstanding successes in work, the prosecutors can be encouraged by:

- a) expression of gratitude;
- b) awarding of a symbolic gift;
- c) granting a bonus;

d) awarding ranks of the Public Prosecution Service , approved by the Superior Council of Prosecutors.

(2) The incentives provided in para (1) shall be applied based on the criteria established by the regulation approved by the Superior Council of Prosecutors. This shall be applied by an order of the Prosecutor General, at the proposal of the Superior Council of Prosecutors.

(3) For special merits in performance of the service duties the prosecutors can be put forward for decoration with state awards. The proposals regarding the decoration with state awards shall be advanced by the Superior Council of Prosecutors.

(4) The incentives provided in para (1) and (3) cannot be applied to the prosecutors in respect of whom a disciplinary proceeding was initiated or have an unquenched disciplinary sanction.

Section 2.

Disciplinary Liability

Article 36. Disciplinary Liability

(1) The disciplinary procedure shall be applicable to the acting prosecutors and prosecutors who have ceased employment service.

(2) Prosecutors shall be disciplinary punished for committing the disciplinary offences referred in Article 38 only if they were committed with intent or gross negligence, as provided for in Article 38¹.

Article 37. Principles of disciplinary procedure relating to prosecutors

The disciplinary procedure relating to prosecutors shall be based on the following principles:

- a) legality;
- b) respect for the decision-making independence of the prosecutor;
- c) equity;
- d) proportionality of the sanction of the disciplinary violation committed;
- e) transparency.

Article 38. Disciplinary Violations

The following shall constitute a disciplinary violation:

- a) improper performance of official duties;
- (b) failure to apply or incorrect application of the law, unless justified by a change in the practice of applying the rules laid down in the legal system;
- c) unlawful interference in the work of another prosecutor or interference of any kind with authorities, institutions or officials for the resolution of any matter;
- d) deliberately obstructing the work of the Inspectorate of Public Prosecutions by any means;
- e) serious violation of the law;
- e¹) committing, in the exercise of official duties, actions or inactions by which, intentionally or through gross negligence, the fundamental rights and freedoms of natural or legal persons, guaranteed by the Constitution of the Republic of Moldova and international treaties on fundamental human rights to which the Republic of Moldova is a party, have been violated;
- f) undignified attitude, manifestations or way of life which are prejudicial to the honour, integrity, professional probity, prestige of the Prosecutor's Office or which violate the Code of Ethics of Prosecutors.
- (g) breach of the obligation laid down in Article 7, para.(2), letter a) of Law No. 325/2013 on the evaluation of institutional integrity.

Article 38¹. Notions of intent and gross negligence

(1) A disciplinary offence shall be deemed to have been committed intentionally if the prosecutor knowingly infringes rules of substantive or procedural law or commits an act referred to in Article 38(f), realises the harmful consequence of his or her action or inaction and intends or admits the occurrence of that consequence.

(2) A disciplinary offence shall be deemed to have been committed with gross negligence if the prosecutor has admitted a breach of substantive or procedural law or commits an act referred to in Article 38(f) without realising that his or her action or inaction may have a harmful consequence, although he or she could and should have foreseen it, or if he or she has an unfounded belief that such a consequence will not occur. The lack of foresight shown by the prosecutor must be inexplicable from the point of view of a legal professional and have nothing to do with the specifics of the concrete situation which would make it understandable.

Article 39. Disciplinary sanctions

(1) Depending on the seriousness of the misconduct and in accordance with the law, the prosecutor shall be subject to the following disciplinary sanctions by decision of the Disciplinary and Ethical Board of the Supreme Council of Prosecutors:

- (a) warning;
- b) reprimand;
- c) reduction of salary;
- d) demotion from office;
- (e) dismissal from the office of public prosecutor.

(2) A warning shall consist of a written reminder to the prosecutor of the disciplinary offence committed and a recommendation to the prosecutor to comply in future with the provisions of the law.

(3) A reprimand is a written criticism of the acts committed by the prosecutor.

(4) Salary reduction is a reduction of the monthly salary by 15%-30% for a period between 3 months and 1 year and shall be applied starting from the calendar month following the date when the decision on the disciplinary case became final.

(5) Demotion from office means transfer from the position of chief prosecutor to a prosecutor's office or transfer of the prosecutor from the General Prosecutor's Office or from a specialized prosecutor's office to a territorial prosecutor's office. Demotion from office is based on the decision of sanction, by order of the Prosecutor General.

(6) Release from the prosecutor's office within the meaning of para. (1) means the termination of the prosecutor's duties as a result of disciplinary misconduct. Dismissal from the prosecutor's office on the basis of the sanctioning decision shall be made by order of the Prosecutor General.

(7) On the basis of the decision on sanctioning with dismissal from office, immediately after its pronouncement, the prosecutor shall be automatically removed from the exercise of his or her duties.

Article 40. Disciplinary Procedure timeframe

(1) The prosecutor may be held liable for disciplinary action within 1 year from the date of the commission of the disciplinary offence.

(2) By exception to the provisions of paragraph. (1), in the event of disciplinary misconduct in the course of procedural activity, the period of disciplinary liability is 3 years from the date of the offence. If the disciplinary offence referred to in Article 38(e1) is identified, the time limit for disciplinary liability is 1 year from the date on which the decision of the national or international court becomes final, but not later than 5 years from the date of the commission of the offence in question.

(3) The disciplinary procedure must be carried out, as a rule, within 6 months since the date of referral in respect of facts which may constitute a disciplinary violation. The term of 6 months does not represent the period of limitation for bringing to the disciplinary responsibility.

(4) The disciplinary procedure initiated pursuant to Article 33, paragraph (4) shall be carried out within 30 days from starting the criminal investigation, this not being a term of limitation period for bringing to disciplinary responsibility.

(5) If at the time of application for resignation, against the prosecutor:

a) there are disciplinary proceedings; these shall be completed within a period of up to 30 days after the filing of the application for resignation;

b) a notification was filed before the resignation; the disciplinary procedure shall be concluded within 30 days of submitting the notification.

(6) Before issuing a decision on the issue related to the disciplinary cause referred to in paragraph (5), the application for resignation shall not be examined, and if the order on the resignation was delivered, it shall be suspended.

(7) Within the period indicated in paragraph (3), (4) and (5), the period related to the annual leave or sick leave of the person in respect of whom the disciplinary proceedings are conducted shall not be included.

Article 41. The conditions and consequences of the application of disciplinary sanctions

(1) Disciplinary sanctions shall be applied to the acting prosecutors.

(2) Disciplinary sanctions shall be applied proportionally to the seriousness of the disciplinary offence committed by the prosecutor and his/her personal circumstances. The seriousness of the disciplinary violation shall be determined by the nature of the offence committed and its consequences. The consequences are evaluated taking into account both the effects on the people involved in the activities in which the offence was committed, as well as effects on the image and prestige of the Prosecutor's Office.

(3) The term of action of disciplinary sanction is of one year from the date of its commission.

(4) Committing a disciplinary violation during the previous disciplinary sanction, regardless of the type of disciplinary offence committed, constitutes an aggravating circumstance

and shall be taken into account when establishing the sanction for the following disciplinary violation committed.

(5) Within one year from the date of disciplinary sanction commencement, the prosecutor may not be promoted and may not benefit of any incentives.

Article 42. Disciplinary proceedings

The disciplinary proceedings start at the time of notification and include the following stages:

- a) the submission of notification concerning the facts, which may constitute a disciplinary violation;
- b) verification of the notification by the Inspection of prosecutors;
- c) examination of the case by the College of discipline and ethics under the subordination of the Superior Council of Prosecutors;
- d) adoption of a decision on the disciplinary cause.

Article 43. Notification concerning the facts which may constitute disciplinary violation

(1) Notification concerning the facts that may constitute a disciplinary violation committed by prosecutors may be filed by:

- a) any interested person;
- b) members of the Superior Council of Prosecutors;
- c) Prosecutors performance evaluation College under the conditions provided for in Article 31, paragraph (5);
- d) Inspection of prosecutors, following the checks carried out.
- e) the Ministry of Justice, upon notification of the Government Agent, if it is requested to establish the disciplinary offense provided for in art. 38, e¹) regarding the actions or inactions of the prosecutor that led to one of the consequences provided for in art. 2007 para. (1), c) from the Civil Code of the Republic of Moldova no. 1107/2002.

(2) The persons, as provided for in paragraph (1), may submit notifications concerning the facts which have become known to them in the exercise of rights or performance of the service duties, or on the basis of the information circulated in the mass-media.

(3) In case there are several notifications concerning the same act and the same prosecutor, the notifications shall be compiled.

(4) Revocation of notification shall not affect the disciplinary proceedings.

Article 44. Conditions of form and content of notification

(1) The notification regarding any disciplinary deviation shall be filed in writing. The procedure for the submission and the content of notifications shall be regulated based on the regulation approved by the Superior Council of Prosecutors.

(2) The anonymous notifications shall not be considered.

(3) It is considered manifestly unfounded any notification alleging the facts that do not refer to disciplinary violations, the limitation period provided for in Article 40, paragraph (1) or (2) has expired, as well as the notification is repeatedly submitted without bringing new evidence.

(4) Notification to the Ministry of Justice, submitted in accordance with art. 43 para. (1) lit. e), cannot be considered manifestly unfounded even if the limitation period provided for in Article 40, (2) has expired.

Article 45. Registration and distribution of notifications

(1) The notification concerning the facts that may constitute a disciplinary violation shall be submitted to the Secretariat of the Superior Council of Prosecutors. The notification shall be registered and shall be forwarded to the Inspection of prosecutors not later than 3 working days from its receipt.

(2) If the notification does not comply with the conditions of form and content, the inspector shall, within five working days after the day when he/she was allocated for preliminary verification of the notification, return it to the author stating the shortcomings established by a decision that cannot be subject to appeal, with an explanation of the right to lodge a new notification.

Article 46. Verification of notifications

(1) Verification of notifications concerning the facts that may constitute disciplinary violations is the stage at which there shall be established the facts imputed to the prosecutor and their consequences, the circumstances in which these were committed, as well as any other relevant information in order to infer the existence or nonexistence of the disciplinary offence elements.

(2) The Inspector who has been assigned with the notification shall:

a) undertake all necessary measures to check the facts invoked by the author of the notification and determine the existence or nonexistence of the elements of the offence that could constitute a disciplinary violation;

b) require, by informing the chief - prosecutor of the prosecutor referred to in the notification, his/her written opinion with regard to the circumstances invoked;

c) draw up the disciplinary cause case, which includes the notification concerning the facts which may constitute a disciplinary violation, all materials and other information obtained as a result of the verification.

(3) During the process of the notification verification, the inspector has the right to:

a) make copies of the relevant documents, including the examination of the case files related to the acts described in the notification;

b) require further information necessary from the head of the prosecutor mentioned in the notification, as well as from other public authorities, people with responsible functions or private persons;

c) request, if necessary, the person who filed the notification to provide written and verbal explanations, as well as other additional information in relation to the facts alleged in the notification;

d) undertake other necessary measures for the purpose of notification verification.

Article 47. Deadlines for verifying the notifications

(1) Verification of the notification concerning the facts that may constitute a disciplinary violation shall be carried out within a period of up to 30 days from the date of receipt of the notification by the Inspection of prosecutors.

(2) The inspector may order the prolongation by maximum 10 working days, if there are reasonable grounds justifying the extension, by informing the author of the notification about this.

(3) In the cases referred to the Article 40, paragraphs (4) and (5), verification of the notification shall be made within 10 days.

Article 48. The rights and obligations of the prosecutor against whom the notification was lodged at the verification stage

(1) At the stage of verification of notification, the prosecutor against whom the notification was lodged is entitled to:

a) know the contents of the notification;

b) present oral and written explanations;

c) submit evidence that demonstrates or deny certain facts alleged in the notification or relevant to the notification;

d) be assisted by a lawyer or a representative;

e) participate in the examination of the disciplinary cause.

(2) At the stage of the verification of notification, the prosecutor against whom the complaint was lodged is required to:

- a) not impede in any way the verification undertaken by the inspector;
- b) not contact personally or through a representative the author of the notification, except when in presence of the inspector.

Article 49. Results of the notification verification with regard to the facts that may constitute a disciplinary violation

(1) After the verification is completed, the inspector shall issue one of the following justified decisions on:

- a) termination of the disciplinary proceedings, if he/she does not identify any grounds for bringing to the disciplinary responsibility;
- b) transmission of materials to the Board of discipline and ethics, if he/she identified a reason for bringing to disciplinary action.

(1¹) In the case provided for in para. (1) letter a), the reasoned decision of the inspector on the referral to the Ministry of Justice, submitted in accordance with art. 43 para. (1) lit. e), is submitted to the Ministry of Justice within 3 days from the date of issue.

(2) In the case referred to in paragraph (1), sub-paragraph b), the decision of the inspector, together with the report drawn up on the basis of the verification and the disciplinary case file, within three working days from the date of issue, shall be submitted to the College of discipline and ethics for consideration and shall inform the author of the notification in writing or, on request, in electronic format.

(3) The model of the report on the results of the notification verification on the facts that may constitute a disciplinary misconduct by an inspector shall be approved by the Superior Council of Prosecutors, at the proposal of the College of discipline and ethics.

(4) The decision on termination of the disciplinary proceeding may be appealed by the author of the notification at the College of discipline and ethics, within 10 working days since receiving it.

Article 50. Examination of the disciplinary cause by the College of discipline and ethics

(1) The disciplinary cause shall be examined by summoning the prosecutor referred to in the notification concerning the facts that may constitute a disciplinary misconduct, the representative of the Inspection of the prosecutors and person who has filed the notification.

(2) When examining the disciplinary cause, the prosecutor and the person who submitted the notification may be represented or assisted by a lawyer or other person, chosen by them as a representative.

(3) Failure to show up without reasonable grounds of the prosecutor or the person who submitted the notification or their representatives at the meeting of the College of discipline and ethics does not prevent the examination of the disciplinary cause.

(4) The inspection of prosecutors is represented by the inspector who carried out the verification of the notification or another inspector designated by the head of the Inspection of prosecutors. The presence of a representative of the Inspection of prosecutors is mandatory.

(5) When examining the disciplinary cause, the hearing of witnesses or other persons relevant to the examination of the case may be necessary.

(6) The College of discipline and ethics usually shall adopt a decision on the disciplinary case within 2 months from receipt of materials from the inspection of prosecutors.

(7) The examination procedure of the disciplinary case within the College of discipline and ethics shall be governed by the regulation approved by the Superior Council of Prosecutors.

(8) The member of the College of discipline and ethics who submitted the notification or against whom the notification has been lodged shall not be entitled to participate in the examination of the disciplinary case.

Article 51. Decision on the disciplinary case

(1) After examination of the disciplinary case, the College of discipline and ethics shall adopt one of the following decisions with regard to:

- a) finding the disciplinary violation and application of a disciplinary sanction;
- b) finding the disciplinary violation and suspension of the disciplinary proceedings, when the time limits for bringing the disciplinary action have expired;
- c) finding the disciplinary violation and suspension of the disciplinary proceedings, when the prosecutor has ceased his/her service relations before the issuance of the decision regarding the disciplinary cause;
- d) termination of the disciplinary proceedings, when no disciplinary violation has been committed.

(2) If the disciplinary proceedings were initiated pursuant to Article 40, paragraph (4), the decision on the disciplinary case shall envisage also the proposal to apply or not any temporary suspension from office.

(3) If a member of the College of discipline and ethics has dissented against the decision adopted, he/she shall expose in writing the reasons, the opinion being attached to the file.

(4) The decisions shall be signed by the chairperson and members of the College of discipline and ethics who participated in the case examination. Within 3 working days from the date of issuing the opinion, the decisions of the College of discipline and ethics shall post it on the official website of the Superior Council of Prosecutors.

(5) A copy of the decision shall be sent to the participants in the disciplinary case and shall be attached to the personal file of the prosecutor concerned.

(6) After examination of the disciplinary case, the College of discipline and ethics may come with an additional recommendation to the Superior Council of Prosecutors for an extraordinary assessment of the prosecutor's performance, if the case circumstances and materials demonstrate the need to assess his/her performance.

(7) The decision on sanctioning via relegation in office and decision on sanctioning via dismissal from prosecutor position shall be sent to the Superior Council of Prosecutors to forward the appropriate proposal to the Prosecutor General. The proposal shall be submitted after the expiry of the appeal period.

(8) The decision on the disciplinary case shall consist of the introductory statement, presentation of the facts, reasoning and enacting part. The form and content of the decision shall be approved through a Regulation by the Superior Council of Prosecutors.

Article 52. Inspection of prosecutors

(1) Inspection of prosecutors is a subdivision of the General Prosecutor's Office, where the inspectors with the status of civil servants with special status operate.

(2) The inspectors are appointed based on a public contest and shall meet the following conditions:

- a) a law degree diploma or equivalent;
- b) working experience in legal field for at least 7 years;
- c) not being previously found guilty of committing a crime;
- d) an excellent reputation in terms of Article 20, paragraph (2) of this law.

(3) The competition for the selection of inspectors shall be organized by the General Prosecutor's Office.

(4) The acting prosecutors cannot be appointed as inspectors.

(5) The inspection of prosecutors is headed by a chief - inspector and reports directly to the Prosecutor General. The structure and duties of the Inspection of prosecutors shall be established by a regulation approved by the Prosecutor General and published on the official website of the General Prosecutor's Office.

(6) The Inspection of prosecutors has the following duties:

- a) carry out the verification of the organizational work of prosecutors and prosecutor's offices;
- b) investigate the notifications on the facts that may constitute a disciplinary violation;

- c) keep statistical records of all notifications and verification results thereof;
- d) prepare information for prosecutors' performance assessment and their promotion to another office;
- e) prepare the annual activity report on its activity;
- f) other duties provided by legislation or regulations on activity.

Article 52¹. Specific rules on the disciplinary liability of the Prosecutor General

(1) The General Prosecutor may be held disciplinary under the terms of this law, with the particularities specified in this article. The provisions of art. 36, 37, 38 and 381 apply accordingly.

(2) Depending on the seriousness of the violations, one of the following disciplinary sanctions may be applied to the General Prosecutor, by decision of the Superior Council of Prosecutors:

- a) warning;
- b) reprimand;
- c) release from office.

(3) Disciplinary proceedings may be initiated by at least 3 members of the Superior Council of Prosecutors, by the President of the Republic following petitions/submissions or, where appropriate, ex officio or, in the case referred to in Article 31¹ para. (9), by the performance evaluation committee of the Prosecutor General, if there is reasonable suspicion of committing the disciplinary offences referred to in Article 38. The provisions of Art. 44 para. (1) and (3) shall apply accordingly.

(4) Verification of the circumstances set out in the complaint lodged pursuant to paragraph (3) shall be carried out by a disciplinary committee set up ad hoc by the Superior Council of Prosecutors, whose mandate shall cease once the disciplinary procedure is completed. The disciplinary commission shall be established within 10 days and shall be composed of 5 members, one of whom shall be proposed by the President of the Republic, one by the Ministry of Justice, one by the Superior Council of Magistracy, one by the Superior Council of Prosecutors and one by the Prosecutor General. The fact that no proposals have been submitted for the composition of the commission does not prevent it from being constituted if members have been proposed by at least 3 subjects. The work of the committee is deliberative if a majority of the members indicated in the constituent act participate. The members of the committee must have a recognised professional activity in the field of justice, anti-corruption or human rights and at least 2 of them must have at least 7 years' professional experience as a prosecutor.

(5) The activity of the disciplinary committee shall be assimilated to that of the inspectorate of prosecutors. The provisions of Articles 46, 47 and 48 shall apply accordingly to disciplinary proceedings against the Prosecutor General.

(6) After completing the verification of the referral regarding the fact that may constitute a disciplinary offense, the disciplinary commission issues one of the following reasoned decisions:

a) termination of the disciplinary procedure, if no grounds for disciplinary action are identified;

b) of submitting the materials to the Superior Council of Prosecutors, if it identifies a ground for disciplinary action.

(7) The decision to terminate the disciplinary procedure may be appealed by the author of the referral to the Superior Council of Prosecutors within 10 working days from the date of its receipt.

(8) The disciplinary case against the Prosecutor General shall be examined by the Superior Council of Prosecutors similar to the procedure established before the Disciplinary and Ethical Board under Articles 50 and 51 para. (1)-(6) and (8).

(9) The decision of the Superior Council of Prosecutors on the application of the sanction of dismissal from office shall be forwarded to the President of the Republic.

Section 3. The Patrimonial Liability

Article 53. The patrimonial liability

(1) The state shall bear patrimonial liability for damages caused by errors made by prosecutors in the course of performance of their duties, under Law no. 1545 of 25 February 1998 on compensation for damage caused by unlawful actions of the criminal investigation bodies, prosecutor's office and courts.

(2) For the compensation of a damage caused by the actions of the prosecutor in office, the person has the right to bring an action only against the State, represented by the Ministry of Justice.

(3) The prosecutor bears patrimonial liability only in the case of finding, by court decision, his guilt for illegal actions, qualified as crimes, or if, in the framework of a disciplinary procedure, the intention or serious negligence in his actions or inactions that led to one of the consequences provided for in art. 2007 para. (1) lit. c) from the Civil Code of the Republic of Moldova no. 1107/2002.

(4) The period of limitation of the right of action in the cases provided for in this Article shall be 3 years from the date of occurrence of the right, if the law does not provide for other periods.

Chapter VIII.

Transfer, Promotion, Delegation, Secondment, Suspension and Dismissal of the Prosecutor

Article 54. Transfer, promotion, delegation and secondment

(1) The transfer of a prosecutor to a position at the same or a lower level, with the exception of the position of Chief Prosecutor and Deputy Chief Prosecutor, shall be by competition. The procedure of the transfer competition shall be established by a regulation approved by the Supreme Council of Prosecutors.

(1¹) The promotion of the prosecutor shall be made by competition, under the conditions provided for by this Law.

(2) In case a prosecutor's office cannot function due to temporary lack of prosecutors, in case of vacant positions, and in other cases, the Prosecutor General, upon the proposal of the Chief Prosecutor of the respective prosecutor's office, may delegate prosecutors from other prosecutor's offices, without their consent, for a period of up to one month during one year, and with their written consent, for a period of up to 24 months.

(3) For the purpose of investigating a specific case, the prosecutor appointed as a member of the prosecution team may be delegated to another prosecutor's office for a period of up to 6 months without his/her consent.

(4) The prosecutor may be seconded, with his/her consent, to perform functions in the Superior Council of Prosecutors, the National Institute of Justice, as a Government Agent, in international institutions, the European Union, other states or to work in projects financed by these institutions, for up to 4 years. During the period of secondment, the status of prosecutor is maintained. The prosecutor's expenses incurred in connection with secondment under this paragraph shall be compensated. If the function to which the prosecutor is seconded involves remuneration and compensation of expenses related to the secondment, the salary of the basic function and the compensation for these expenses shall not be paid.

(5) If the salary provided for the function to which the prosecutor is delegated or seconded is lower than that which he or she enjoyed in the previous function, the salary of the basic function shall be maintained.

(6) The period of secondment to other institutions shall be included in the length of service as a prosecutor.

(7) On expiry of the term for which he has been seconded, the prosecutor shall be granted a vacant prosecutor's office, with the exception of the office of chief prosecutor.

(8) The decision on the secondment of the prosecutor shall be taken by the Prosecutor General with the written consent of the High Council of Prosecutors.

Article 55. Suspension from office

(1) Prosecutor in relation to whom criminal investigations are initiated may be provisionally suspended from office by the General Prosecutor, with the consent of the Superior Council of Prosecutors. In extraordinary situations that cannot be postponed, the General Prosecutor may suspend the prosecutor from office without the consent of the Superior Council of Prosecutors, until the next meeting of the Superior Council of Prosecutors.

(2) The prosecutor shall be suspended from office by order of the General Prosecutor, without the involvement of the Superior Council of Prosecutors, when a maternity leave and leave for taking care of a child of the age of up to 6 years is granted. In other cases provided by the law, the prosecutor shall be suspended by an order of the General Prosecutor, at the proposal of the Superior Council of Prosecutors.

(3) The suspension of the prosecutor in the cases listed in paragraph (2) does not imply the cancellation of social guarantees.

(4) In cases provided for under paragraph (1), if the prosecutor's guilt has not been proven or he was acquitted or a decision to terminate the criminal proceedings on the grounds of rehabilitation, suspension from office shall be cancelled and the prosecutor shall be restored in all previous rights.

(5) In cases provided for under paragraph (2), at the expiry of the suspension from office, the public prosecutor is given the function that he/she held before suspension or, with his consent, is assigned to another equivalent position.

(6) The prosecutor can appeal the decision on his/her suspension from office in court, under the law.

Article 55¹. Suspension from office of Prosecutor General

(1) The Prosecutor General against whom criminal proceedings have been instituted under Article 270 para. (7) of the Code of Criminal Procedure shall be considered suspended by right for 3 days. Until the expiry of the given term, the Superior Council of Prosecutors shall convene an extraordinary meeting and decide, by a majority vote of the members present, on the continuation or termination of the suspension of the Prosecutor General. The provisions of Article 55 para. (4) shall apply accordingly.

(2) If it is impossible to convoke an extraordinary meeting of the Superior Council of Prosecutors, the decision on the continuation of the suspension of the Prosecutor General from office or on the termination of the suspension may be taken by the President of the Superior Council of Prosecutors. The decision of the President of the Superior Council of Prosecutors shall be validated at the next meeting of the Superior Council of Prosecutors, which shall be convened no later than 15 days from the date of the decision.

Article 56. The conditions for termination of service of the prosecutor

The service of the prosecutor shall lapse in the following cases:

- a) in the circumstances that do not depend on the will of the parties;
- b) release from Office.

Article 57. Termination of service in circumstances outside the control of the parties

(1) A prosecutor's employment relationship shall automatically terminate in circumstances beyond the control of the parties to the case:

- (a) loss of citizenship of the Republic of Moldova;
- b) reaching the age of 65;
- c) the expiration of the term for which he/she was appointed, in case of refusal to be appointed to another prosecutor's office;
- d) when the decision finding the prosecutor guilty of committing a crime becomes final;
- e) deprivation of the prosecutor of the right to hold certain offices or engage in certain activities, as a basic penalty or as an additional penalty, on the basis of a final court decision imposing such a penalty;

- (f) where the prosecutor is declared missing without trace by a final court decision;
- g) death or the declaration of death of the prosecutor by a final court decision;
- (h) where a court decision on the imposition of a judicial protective measure becomes final;
- (i) if it is established, after his or her appointment, that there is at least one reason why the person cannot be appointed as a prosecutor.

(2) Termination of service in circumstances beyond the control of the parties shall be effected by order of the Prosecutor General within 5 working days of the occurrence or bringing to the attention of the Prosecutor General of the case in question.

(3) Termination of the Prosecutor General's mandate on the grounds referred to in paragraph 1 shall be subject to the following (1) shall be determined by a decree of the President of the Republic, on the proposal of the Superior Council of Prosecutors.

Article 58. Dismissal

(1) The prosecutor, the chief prosecutor and the deputy of the General Prosecutor are released from office in the case of:

- a) submitting the resignation request;
- b) refusing to be transferred to another prosecutor's office or subdivision of the prosecutor's office, if the prosecutor's office or subdivision of the prosecutor's office in which he worked is liquidated or reorganized;
- c) refusal to submit to the disciplinary sanction of demotion;
- d) the application of the disciplinary sanction of release from the position of prosecutor when it became irrevocable;
- e) obtaining the qualification "insufficient" in two consecutive evaluations or failing the performance evaluation;
- f) not showing up, for unfounded reasons, twice consecutively, for the performance evaluation;
- g) registration as a candidate on the list of a political party or a socio-political organization in elections for Parliament or for local public administration authorities;
- h) in which the act confirming its state of incompatibility or violation of prohibitions remains definitively;
- i) in which he is considered medically unfit to perform his duties;
- j) the refusal to be subject to verification pursuant to Law no. 271-XVI of December 18, 2008 regarding the verification of public office holders and candidates;
- k) appointment to a position incompatible with the position of prosecutor;
- l) establishing, through the act of final determination, the conclusion directly or through a third party of a legal act, taking or participating in the taking of a decision without resolving the

real conflict of interests in accordance with the provisions of the legislation on the regulation of the conflict of interests;

m) failure to submit the declaration of wealth and personal interests or refusal to submit it, under the terms of art. 27 para. (8) from Law no. 132 of June 17, 2016 regarding the National Integrity Authority;

n) ordering by the court, through an irrevocable decision, of the confiscation of unjustified assets.

(2) In the cases referred to in paragraph 1. (a), (b) and (c), dismissal from office shall be by order of the Prosecutor General on the basis of a written request or refusal respectively.

(3) The dismissal from office of the Prosecutor, the Chief Prosecutor or the Deputy Prosecutor General on the grounds referred to in para. (1) (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m) and (n) shall be made within 5 working days from the occurrence or the knowledge of the case by an order of the Prosecutor General, which shall be communicated to the prosecutor concerned within 5 working days from the issuance, but prior to the date of dismissal. (4) The order of the Prosecutor General regarding the dismissal may be challenged in court as prescribed by the law.

(5) In case of cancellation of the dismissal order, the prosecutor will be reinstated in all rights, being paid, according to the law, the monetary rights of which he was deprived.

(6) The General Prosecutor may be released from office before the expiration of the mandate, by the President of the Republic, in the cases provided for in paragraph (1) lit. a), d), g), h), i), j), l), m) and n). In the cases provided for in para. (1) lit. h), the dismissal of the General Prosecutor is based on an irrevocable court decision or a decision of the Superior Council of Prosecutors.

(7) The General Prosecutor may be released from office before the expiration of the mandate, by the President of the Republic, upon the proposal of the Superior Council of Prosecutors, if, in the framework of the evaluation of the performances carried out according to the provisions of art. 311, gets the qualification "unsatisfactory".

(8) The General Prosecutor may be released from office before the expiration of the mandate, by the President of the Republic, upon the proposal of the Superior Council of Prosecutors, in the case of the adoption by the Superior Council of Prosecutors of the decision to apply the disciplinary sanction of dismissal from office.

Chapter IX.

The state protection of the prosecutor. Material and social ensurance of the prosecutor

Article 59. The state protection of the prosecutor and of his/her family members

(1) The prosecutor, members of his/her family and property shall be protected by the state. Upon the prosecutor's grounded request, invoking the threat for life and health of himself/herself or of his/her family, as well as for the integrity of his/her property, the internal affairs authorities shall be obliged to take necessary measures in order to ensure the safety of the prosecutor and of members of his/her family, and the integrity of his/her property.

(2) The attempt on the prosecutor's life and health, the destruction and deterioration of assets, threat with murder, violence or with the deterioration of assets, defamation or insult addressed to the prosecutor as well as the attempt on life and health of his/her close relatives (parents, spouse, children), linked to the exercise of his/her duties, shall entail criminal responsibility.

(3) The prosecutor shall be entitled to compensation of all expenses incurred by him/her in the interest of the service.

Article 60. Remuneration (REPEALED) - Abrogat

Article 61. Annual leave and days off

(1) The prosecutor shall be entitled to a paid annual leave of 35 calendar days.

(2) Where seniority in office of public prosecutor exceeds 5, 10 and 15 years, the annual paid leave shall be increased with 3, 5 and 7 calendar days.

(3) The prosecutor shall be granted a leave by an order of the Prosecutor General in conformity with the schedule of prosecutors' annual leave approved by the General Prosecutor.

(4) The work carried out during the non-working days, based on the indication of the chief prosecutor, shall be compensated to the prosecutor proportionately with maximum 14 calendar days off annually. The manner for granting additional days-off shall be laid down in the Regulation on the Prosecutor's Office. The Prosecutor shall not be paid additionally for the work performed during the non-working days.

(5) The non-granting of annual leave to the prosecutor shall be prohibited.

Article 62. Other social guarantees

(1) When conducting their duties, prosecutors shall receive health care under Law no. 1585-XIII of 27 February 1998 on the mandatory health insurance.

(2) At the termination of service of a prosecutor with more than ten years length of service in the position of prosecutor, in accordance with Article 57, paragraph (1), sub-paragraphs b) and c) or Article 58, paragraph (1), sub-paragraphs a) and b), if the circumstances that causes termination of employment do not affect the prestige of the Prosecutor's Office and reputation of the prosecutors, he/she shall receive a single severance pay equal to 50% of the product of the multiplication of the last monthly salary by the number of complete years of service as prosecutor. When calculating the single severance pay for the prosecutor returned in office, the period of work as a prosecutor after the expiry date of the last dismissal shall be taken into account.

(3) The prosecutor's life and property shall be subject to mandatory state insurance from the state budget part of the Prosecutor's Office budget.

(4) The insurance sum shall be paid in the event of:

a) death of the prosecutor during the exercise of his/her service duties, if the decease occurred as a consequence of bodily injuries or other violent injuries to health to the prosecutor's heirs as a lump-sum allowance equal to the product of multiplication of annual average salary of the deceased with the number of full years of work, which he/she has not survive till the reach of age limit, but not less than 15 annual average salaries;

b) mutilation of prosecutor or other violent injuries to his/her health during the exercise of his/her service duties, excluding, thus, the possibility to continue the professional activity, in the form of a monthly compensation equal to the salary received in the position of prosecutor;

c) violent death or death of the prosecutor as a consequence of bodily injuries or other violent injuries to his/her health, to the unemployable family members maintained by him/her, in the form of a monthly indemnity equal to the difference between the part of the salary of the deceased that due to their maintenance and the pension awarded on the occasion of loss of breadwinner, without taking into account the lump-sum indemnity.

(5) If at the time of resignation, there is an active administrative offence proceeding in respect of the exercise of powers or criminal proceedings against the prosecutor, the payment of the compensation provided for in paragraph (2) shall be suspended until a final settlement of the case. In case of finding guilty the prosecutor in these cases, the allowance provided for in paragraph (2) shall not be granted.

(6) The prosecutor shall receive other social guarantees in accordance with the labor legislation in so far as this does not conflict with this law.

(7) Material damage caused in connection with the prosecutor's official activity by deterioration or destruction of his/her assets, and of the assets of his/her family members or close relatives shall be refunded in full amount from the Prosecutor's Office budget.

Article 63. Retirement income security

The prosecutors are entitled to retirement pensions in accordance with the Law no 156-XIV of 14 October 1998 on State social insurance pensions.

Article 64. The prosecutor's identity card

(1) Upon appointment the prosecutor shall receive an identity card of the model approved by the Superior Council of Prosecutors.

(2) The prosecutor's identity card shall be issued by the Prosecutor General and shall serve as a document confirming the identity and position of the prosecutor.

(3) On termination of service, as well as during the period of the suspension of duties pursuant to Article 55, paragraph (1) or dismissal of the prosecutor, the prosecutor identification card shall be withdrawn.

Title III.

Self-Administration Bodies within the Public Prosecution Service

Article 65. Self-Administration of the Prosecution Service

(1) The autonomy of the Prosecution Service shall be manifested through its organizational and functional independence and that shall be achieved by self-administration and represents the right and the actual capacity of the Prosecutor's Office to resolve any functional issues independently and responsibly.

(2) The self-administration of the Public Prosecution Service shall be carried out based on the principles of representativeness and eligibility of self-administration bodies of the Public Prosecution Service, as well as on the basis of their responsibility for the proper fulfilment of delegated functions.

(3) The self-administration bodies are the General Assembly of the Prosecutions, Superior Council of Prosecutors and its subordinate colleges – Prosecutors Selection and Career College, Prosecutors performance evaluation College, and College of discipline and ethics.

Chapter X.

GENERAL ASSEMBLY OF PROSECUTORS

Article 66. General Assembly of Prosecutors

(1) The General Assembly of Prosecutors is made up of prosecutors from the Prosecutor's Office.

(2) The General Assembly of Prosecutors is convened annually by the Superior Council of Prosecutors.

(3) The General Assembly of Prosecutors can also be convened in exceptional cases, at the initiative of the Prosecutor General, the Superior Council of Prosecutors or a third of the prosecutors, in order to examine matters of major importance for the activity of the Prosecutor's Office.

(4) The Superior Council of Prosecutors announces the convening date of the ordinary meeting of the General Assembly of Prosecutors at least two months before the date of the meeting, elaborates and distributes to the prosecutors the draft agenda of the meeting, which is also placed on the official web page of the Superior Council of Prosecutors, with annexing the materials to be examined.

(5) The meeting of the General Assembly of Prosecutors is opened by the president of the Superior Council of Prosecutors, who passes the leadership of the meeting to the president elected by the Assembly.

(6) The president and the secretary of the meeting of the General Assembly of Prosecutors are elected, upon the proposal of the prosecutors present at the meeting, with the open vote of their simple majority.

(7) The General Assembly of Prosecutors is deliberative if the simple majority of prosecutors in practice participate in it. The same quorum is also required for holding extraordinary meetings of the General Assembly of Prosecutors. Participation in the meeting of the General Assembly of Prosecutors takes place by physical presence and/or by teleconference. The method of participating in the meeting by teleconference is established in the Regulation of the General Assembly of Prosecutors.

(8) The decisions of the General Assembly of Prosecutors are adopted by the vote of the simple majority of the prosecutors present and are signed by the president and the secretary of the meeting. The decisions of the General Assembly of Prosecutors regarding the election of the members of the Superior Council of Prosecutors, of the Board for the selection and career of prosecutors, of the Board of evaluation of the performance of prosecutors and of the Board of discipline and ethics are adopted by secret ballot. At the decision of the General Assembly of Prosecutors, other decisions can be adopted by secret vote.

(9) To organize the procedure for electing prosecutors in the Superior Council of Prosecutors and in its colleges, the General Assembly of Prosecutors designates, with a majority of votes, special commissions, whose composition and activity are established by the regulations of the General Assembly of Prosecutors.

(10) The decisions of the General Assembly of Prosecutors are published on the same day on the official web pages of the General Prosecutor's Office and the Superior Council of Prosecutors and are enforceable for the self-administration bodies of the Prosecutor's Office and for prosecutors.

Article 67. Competence of the General Assembly of Prosecutors

(1) The General Assembly of Prosecutors meets for:

a) the election, from among the prosecutors, of the members of the Superior Council of Prosecutors and its colleges, as well as the substitutes;

b) hearing the report on the activity of the Prosecutor's Office, presented by the General Prosecutor, and the report on the activity of the Superior Council of Prosecutors, presented by the president of the Council;

c) the presentation by the General Prosecutor and the debate of the priorities regarding the activity of the Prosecutor's Office for the following year, after their consultation with the Superior Council of Prosecutors;

d) approval of the Code of Ethics for prosecutors and the amendments to it, which are published on the official website of the Superior Council of Prosecutors;

e) adopting or amending the regulations of the General Assembly of Prosecutors;

f) examining and deciding on other issues regarding the activity of the Prosecutor's Office.

(2) Within 20 working days from the meeting of the General Assembly of Prosecutors, the proposals and questions submitted during the meeting are examined by the entity to which they were addressed, which is to take decisions regarding them, which are published on the official web pages of the General Prosecutor's Office and the Superior Council of Prosecutors.

(3) The regulations approved by the General Assembly of Prosecutors are published on the official website of the Superior Council of Prosecutors.

Chapter XI The Superior Council of Prosecutors

Section 1. General provisions

Article 68. The Superior Council of Prosecutors

(1) The Superior Council of Prosecutors is an independent body, has the status of a legal entity and is entitled to participate to the establishment, operation and self-management of the Public Prosecution Service system.

(2) The Superior Council of Prosecutors acts as the guarantor of the independence and impartiality of prosecutors.

Article 69. Membership of the Superior Council of Prosecutors

(1) The Superior Council of Prosecutors consists of 13 members.

(2) The members of the Superior Council of Prosecutors include ex officio the President of the Superior Council of Magistracy (including interim), the Minister of Justice (including interim), the People's Advocate and the Prosecutor General.

(3) Five members of the Superior Council of Prosecutors shall be elected by the General Assembly of Prosecutors from among the prosecutors in office, by secret, direct and freely expressed vote, as follows:

(a) one member from among the prosecutors of the Office of the Prosecutor General

b) four members from among the prosecutors of the territorial and specialised prosecutors' offices.

(3¹) Candidates for the position of member of the Superior Council of Prosecutors shall submit their applications to the Superior Council of Prosecutors at least 30 days before the date of the meeting of the General Assembly of Prosecutors. The list of candidates and the applications submitted shall be published on the official website of the Superior Council of Prosecutors on the next working day after the deadline for the submission of applications.

(3²) A candidate may be elected to the position of member of the Superior Council of Prosecutors from among the prosecutors who has at least 3 years of effective service as a prosecutor, has not been disciplined or the term of action of the disciplinary sanction has expired, and who has passed the integrity assessment carried out by the Independent Integrity Assessment Commission of candidates for membership in the self-administrative bodies of judges and prosecutors, established by law. The candidate's application file contains:

a) curriculum vitae;

b) letter of motivation;

c) the platform including the main objectives to be pursued if elected member of the High Council of Prosecutors;

d) the decision of the Independent Integrity Assessment Commission for candidates for membership of the self-governing bodies of judges and prosecutors.

(3³) If the candidate does not meet the required conditions, has submitted the file late or the file does not contain the documents referred to in paragraph (32) letters a) to c), the Superior Council of Prosecutors shall exclude the candidate from the competition.

(3⁴) Candidates for the position of member of the Superior Council of Prosecutors from among prosecutors shall be entitled to conduct a promotional campaign. The Chief Prosecutors shall facilitate the candidates' meetings with prosecutors. Upon request, the candidate is granted a 50% reduction in workload during the promotion campaign. (4) Three members of the Superior Council of Prosecutors are elected through competition from among the civil society, as follows: one by the President of the Republic, one - by the Parliament and one - by the Academy of Sciences of Moldova. The candidates to the position of member of the Superior Council of Prosecutors, from the civil society shall have higher law education and experience in the domain of law of at least 3 years.

(4) Four members of the Superior Council of Prosecutors shall be elected by competition from civil society, as follows: one by the President of the Republic, one by the Parliament, one by the Government and one by the Academy of Sciences of Moldova. Candidates for the position of member of the Superior Council of Prosecutors from the civil society must have a higher legal education and at least 3 years of experience in the field of law, must pass the evaluation carried out by the Independent Commission for the Evaluation of the Integrity of Candidates for the

Position of Member of the Self-Administrative Bodies of Judges and Prosecutors, and must be at least 65 years of age.

(5) The prosecutors who have accumulated the highest number of votes at the General Assembly of Prosecutors shall be considered elected as members of the Superior Council of Prosecutors. The next prosecutors on the list of candidates who have accumulated the highest number of votes shall fill the vacancies in descending order of the number of votes accumulated.

(6) Candidates for membership of the Superior Council of Prosecutors must be of impeccable reputation and be a recognised authority in their fields of activity.

(7) Prosecutors who have unresolved disciplinary sanctions and persons who have been found guilty of committing a criminal offence, as well as persons who have not passed the assessment carried out by the Independent Integrity Assessment Commission of candidates for membership in the self-administrative bodies of judges and prosecutors, may not be members of the High Council of Prosecutors.

(8) Prosecutors elected as members of the Superior Council of Prosecutors shall be detached from office during their term of office.

(9) The members of the Superior Council of Prosecutors, with the exception of ex officio members, may not engage in any other remunerated activity, except teaching, creative, scientific, sports or public associations.

Article 70. Competence of the Superior Council of Prosecutors

(1) The Superior Council of Prosecutors shall have the following powers:

(a) it shall draw up and approve regulations concerning its work, the functioning of its colleges and other regulations concerning it;

(b) it shall draw up and approve regulations on the selection procedure and the career of prosecutors;

(c) draws up the draft regulations of the General Assembly of Prosecutors and draft amendments thereto;

(d) organises the competition for the selection of the candidate for the post of Prosecutor General, which it proposes to the President of the Republic;

(e) organises competitions, selects and appoints the members of its colleges from civil society;

(f) examines appeals against decisions taken by its colleges;

(g) makes proposals to the Prosecutor General on the appointment, transfer, promotion, secondment or suspension of prosecutors under the terms of the Code of Criminal Procedure and this Law, as well as on the dismissal of prosecutors;

(h) participate in the swearing in of prosecutors and the Prosecutor General;

(i) determine the number of prosecutors in each prosecutor's office;

(j) appoints prosecutors to the Council of the National Institute of Justice;

(k) approves the strategy for the initial and continuous training of prosecutors and submits its opinion on the action plan for the implementation of this strategy;

(l) examines and submits opinions on the regulations for the organisation of the entrance examination to the National Institute of Justice, on the teaching programmes and curricula for the initial and continuing training courses of the National Institute of Justice, on the regulations for the organisation of the competition for the replacement of teaching posts, as well as on the composition of the committees for the entrance and graduation examinations of the National Institute of Justice;

(m) determines the number of places in the entrance examination for the initial training of prosecutors at the National Institute of Justice;

(n) examines the addresses of citizens and prosecutors on matters within its competence;

(o) prepares the draft Code of Ethics of Prosecutors, as well as draft amendments thereto, and proposes them to the General Assembly of Prosecutors for approval;

(p) approves its draft budget and submits it to the Ministry of Finance;

(q) approves the structure of the apparatus of the Superior Council of Prosecutors;

r) participates in the drafting of the draft budget of the Prosecutor's Office and approves it;
s) participates in the elaboration of the strategic development plans of the Prosecutor's Office;
t) approve the draft annual priorities for the work of the Office of the Prosecutor, drawn up by the Prosecutor General.

(2) The regulations approved by the Superior Council of Prosecutors shall be published on the official website of the Superior Council of Prosecutors.

Article 71. President of the Superior Council of Prosecutors

(1) The President of the Superior Council of Prosecutors shall be elected from among the members of the Council elected from among the prosecutors, by secret ballot, for a term of 4 years, by a majority vote of the members of the Council.

(2) In the absence of the President of the Superior Council of Prosecutors, his duties shall be performed by a member appointed by the Council.

(3) The conditions and the method of remuneration of the President of the Council of Public Prosecutors shall be determined by the legislation on the salary system in the budgetary sector.

Article 72. Powers of the President of the Superior Council of Prosecutors

The President of the Superior Council of Prosecutors has the following duties:

a) represent the Superior Council of Prosecutors during the internal and international relations and coordinate its activity;

b) chair the meetings of the Superior Council of Prosecutors

c) sign the documents issued by the Superior Council of Prosecutors;

d) present to the General Assembly of Prosecutors the annual activity report of the Superior Council of Prosecutors;

e) appoint, promote, transfer and dismiss employees of the apparatus, apply to these incentive measures and disciplinary sanctions:

f) exercise other powers as provided by the Law.

Section 2.

Membership Status of the Superior Council of Prosecutors

Article 73. The duration of the membership mandate of the Superior Council of Prosecutors

(1) The mandate of the elected members of the Superior Council of Prosecutors shall be for 4 years. The same person cannot hold the membership mandate of the Superior Council of Prosecutors for two consecutive terms.

(2) The elected members of the Superior Council of Prosecutors hold office until the election of new members.

(3) The period of activity as a member of the Superior Council of Prosecutors shall be considered party of the prosecutor's professional experience.

Article 74. The rights of members of the Superior Council of Prosecutors

(1) Members of the Superior Council of Prosecutors shall have the right:

a) to examine and participate in the examination of the materials submitted for examination to the Superior Council of Prosecutors;

b) to make representations, present arguments and submit additional material;

c) to propose for consideration at the meeting of the Council matters falling within its competence;

d) to take part by vote in the adoption of decisions and, if necessary, to express a separate opinion;

e) to carry out other actions in accordance with the law.

(2) The conditions and the method of remuneration of the members of the High Council of Prosecutors elected from the ranks of prosecutors shall be determined by the legislation on the salary system in the budgetary sector.

(3) The members of the Superior Council of Prosecutors representing the civil society shall receive a monthly allowance in the amount of 50% of the average salary of the members of the Superior Council of Prosecutors elected from the ranks of prosecutors.

Article 75. Obligations and restrictions of members of the Superior Council of Prosecutors

(1) Members of the Superior Council of Prosecutors shall:

- a) to ensure the protection of rights and freedoms of prosecutors and of the prosecutors' honour and dignity within the law;
- b) to contribute to the promotion of the prosecutor's independence principle;
- c) to observe the personal data regime and other limited access information that they have become aware of in exercising their mandate;
- d) to vote in favour or against the adoption of decisions.

(2) During the mandate, as well as in the period of 6 months after its termination, the elected members of the Superior Council of Prosecutors shall not participate to the competitions for appointment or promotion to a prosecutor's position, including for the position of General Prosecutor.

Article 76. Termination of membership of the Superior Council of Prosecutors

(1) Membership of the Superior Council of Prosecutors shall cease as appropriate:

- (a) by submitting a request for resignation from membership of the Council;
- b) upon expiry of the term of office of the member of the Council;
- c) upon becoming a member of a college subordinate to the Superior Council of Prosecutors;
- d) in the event of suspension or dismissal from the office of Prosecutor;
- e) in the event that the act of incompatibility becomes final;
- f) in the event that the act by which it was established that he or she had adopted an act in violation of the legal provisions on conflict of interest becomes final;
- g) if the decision finding him/her guilty of having committed an offence becomes final;
- h) in case of impossibility of exercising the functions of member for a period of more than 4 months, as determined by the Superior Council of Prosecutors;
- i) in the event of a finding of one of the circumstances which would not have allowed him/her to be elected or appointed as a member of the Council;
- i¹) in the event of reaching the age of 65;
- j) in the event of death.

(2) Members of the Superior Council of Prosecutors may not be dismissed. In the case of the circumstances set out in para. (1), their term of office shall cease automatically.

Section 3 a.

Organizing the activity of the Superior Council of Prosecutors

Article 77. Meetings of the Superior Council of Prosecutors

(1) The Superior Council of Prosecutors shall meet as often as necessary, but not less frequently than once a month.

(2) The first meeting of the Superior Council of Prosecutors shall be convened by the Prosecutor General within 10 working days from the date of the General Assembly of Prosecutors.

(3) The meetings of the Superior Council of Prosecutors shall be public, except in cases where, in order to comply with the information regime specified in Article 75 para. (1) lit. c), the Council decides by a decision that the meeting or a part of it shall be closed.

(4) The meeting of the Superior Council of Prosecutors shall be deliberative if at least 2/3 of the members participate in it.

(5) The agenda of the meeting shall be posted on the official website of the Superior Council of Prosecutors at least 2 working days before the date of the meeting.

(6) Decisions shall be adopted in a public meeting with an open vote of the majority of the members of the Superior Council of Prosecutors present.

(6¹) The Prosecutor General shall participate in the meetings of the Supreme Public Prosecutors' Council without the right to vote in the adoption of decisions, except for those concerning the drafting and adoption of normative acts and policy documents on the development of the Prosecutor's Office.

(7) The decisions of the Superior Council of Prosecutors shall be motivated, shall be signed by all members present at the meeting and shall be published, within 10 working days from the date of issue, on the official website of the Superior Council of Prosecutors. The decisions of the Superior Council of Prosecutors shall be signed in holography or, where appropriate, by electronic signature.

(8) The meetings of the Superior Council of Prosecutors shall be video/audio recorded. The recording of the meeting shall be attached to the minutes. The minutes shall be drawn up within 3 working days from the date of the meeting, signed by the President of the meeting and the Secretary, and shall be placed on the official website of the Superior Council of Prosecutors.

Article 78. Recusal and abstention

(1) A member of the Superior Council of Prosecutors may not take part in the examination of an item on the agenda if there are circumstances which preclude his or her participation in the examination of the item in question or which would raise doubts as to his or her objectivity. If such circumstances exist, the member of the Council concerned shall be obliged to make a declaration of abstention.

(2) For the reasons set out in paragraph 1, a member of the Superior Council of Prosecutors may be recused.

(3) The request for recusal and the declaration of abstention must be reasoned.

(4) The member of the Superior Council of Prosecutors whose objection or abstention has been raised shall not take part in the examination of the objection or abstention.

Article 79. Appealing against the decisions of the Superior Council of Prosecutors

(1) Decisions of the Superior Council of Prosecutors may be appealed to the Supreme Court of Justice by any person aggrieved by a right within 10 working days from the date on which the decision was communicated to him/her.

(2) Appeals against decisions of the Superior Council of Prosecutors shall be examined by the court panel which examines appeals against decisions of the Superior Council of Magistracy.

Article 80. Budget of the Superior Council of Prosecutors

(1) The Superior Council of Prosecutors shall be financed from the state budget within the limits of the budgetary allocations approved by the annual budget law.

(2) The budget of the Superior Council of Prosecutors shall be drawn up, approved and administered in accordance with the principles, rules and procedures laid down in the legislation on public finance and budgetary and fiscal responsibility.

(3) The President of the Superior Council of Prosecutors shall organise and implement the system of internal managerial control and shall bear managerial responsibility for the management of the budget and public assets under the management of the Superior Council of Prosecutors.

(4) The salaries of the President and of the members of the Superior Council of Prosecutors detached from the prosecutor's office, the payment of the monthly allowance to the members of the Council representing civil society, as well as the salaries of the staff of the apparatus of the Superior Council of Prosecutors shall be paid from the budget of the Superior Council of Prosecutors.

Article 81. The apparatus of the Superior Council of Prosecutors

(1) The Superior Council of Prosecutors shall have an apparatus responsible for organising the activity of the Council and its Colleges.

(2) The Office of the Superior Council of Prosecutors shall be composed of civil servants and technical staff. The civil servants employed in the Office of the Superior Council of Prosecutors shall be subject to provisions of Law no. 158-XVI of 4 July 2008 on the public functions and the civil servant status and shall be remunerated under the Law. The technical staff is subject to the provisions of labour legislation and shall be remunerated under the Law.

(3) The apparatus structure, its staffing and activity shall be governed by Regulations approved by the Superior Council of Prosecutors.

Section 4 - a.

Bodies subordinated to the Superior Council of Prosecutors

Article 82. The bodies subordinated to the Superior Council of Prosecutors

The bodies subordinated to the Superior Council of Prosecutors include:

- a) The College for prosecutors' selection and career;
- b) The College for prosecutors' performance evaluation;
- c) The College of discipline and ethics;

Article 83. Membership of Colleges

(1) Each college under the Superior Council of Prosecutors shall consist of 7 members, as follows:

- a) 5 shall be elected by the General Assembly of Prosecutors from among the prosecutors;
- b) 2 shall be elected by the Superior Council of Prosecutors, by public competition, from among the representatives of civil society.

(2) The first 5 prosecutors who have accumulated the highest number of votes at the General Assembly of Prosecutors shall be considered elected members of the College. The next prosecutors on the list of candidates who have accumulated the highest number of votes shall fill the vacant positions in descending order of the number of votes accumulated.

(3) The Superior Council of Prosecutors shall also elect an alternate member for civil society representatives according to the procedure laid down for the election of civil society representatives.

(4) Candidates for the position of member of the College may be persons who meet the conditions provided for in Article 69 para. (6) and (7) and have passed the integrity assessment in the manner and under the conditions established for candidates for the position of member of the Superior Council of Prosecutors.

(5) The concurrent holding of the office of member of the Superior Council of Prosecutors and the office of member of a college or the office of member of more than one college shall be prohibited.

(6) Members of the college shall be elected for a term of 4 years. Elected members shall serve until new members are elected.

(7) Membership of the College shall cease in accordance with Article 76. In the event of termination of the mandate of a member of the College before the expiry of the 4-year term, an alternate member shall continue to exercise the mandate.

(8) The President of the College shall be elected by secret ballot from among its members at the first meeting of the College.

(9) The recusal or abstention of a member of the College shall take place in accordance with Article 78.

(10) If the College examines a matter which concerns one of its members, that member shall not take part in the examination of that matter.

(11) Members of the College representing civil society shall receive a monthly allowance in the amount of 50% of the average salary of the members of the Superior Council of Prosecutors elected from among prosecutors. The members of the College elected from among prosecutors shall have their workload reduced during their term of office.

(12) The competences, organisation and functioning of the colleges shall be established by this Law and by the regulations approved by the Superior Council of Prosecutors.

(13) In order to carry out their duties, the colleges shall have the right to request from prosecutors, public authorities, public legal entities all the documents and information they need.

(14) Prosecutors, public authorities and legal persons governed by public law shall be obliged to forward to the Colleges, within the time limit set by them, the documents and information requested. The colleges shall be obliged to respect, in accordance with the law, the regime of information with limited access which has become known to them.

(15) Each college shall submit an annual report to the Superior Council of Prosecutors on its activity during the year in question, which shall be published on the official website of the Superior Council of Prosecutors.

Article 84. Meetings of Colleges

(1) Each College shall hold meetings whenever necessary.

(2) The first meeting of the College is convened and chaired by the President of the Superior Council of Prosecutors.

(3) The time and place of the College meeting is set by College President after consulting the members of the college.

(4) The College meetings are chaired by the President of the College. In the absence of the President of the College, the meeting shall be chaired by a College member elected from among the members attending the meeting.

(5) The College meeting is deliberative provided that at least five members of the college are present.

(6) Meetings of the College shall be recorded by the use of video / audio devices. The recorded session shall be attached to the minutes. The minutes shall be developed within 3 working days, and shall be signed by the chairperson and the secretary and placed on the official website of the Superior Council of Prosecutors.

Article 85. Decisions of Colleges

(1) The College decisions shall be in a written form, reasoned and, within the provisions established by this Law, shall be signed by the President of the College and, where appropriate, by other persons and subsequently published on the official website of the Superior Council of Prosecutors. Decisions regarding a prosecutor's evaluation shall not be published, but the evaluation results are being made public. The decisions are signed by hand or, where appropriate, by application the electronic signature.

(2) The College decisions shall be adopted by open vote of the majority of the elected College members, except of cases when this law provides another way of adoption of decisions.

(3) The College decisions can be appealed to the Superior Council of Prosecutors, through colleges, within 5 working days since the date of their issue. The appeal may be filed by the person, against whom the judgement was made, while in case of a disciplinary procedure, also by the person who filed the complaint and by the prosecutors' Inspection.

(4) The College decisions shall be submitted to the Superior Council of Prosecutors on the next day after the expiry of the appeal.

Article 86. Examination of appeals against judgments of Colleges

(1) Appeals against decisions taken by Colleagues shall be examined at the most within one month since the date of registration at the Superior Council of Prosecutors.

(2) The date, time and place of the complaint examination shall be communicated, at least 3 working days before the set date of the session, to the prosecutor referred to in the appealed

decision, the candidate for the prosecutor's position, who filed the complaint, the inspector and other persons shall, under this law.

- (3) Following the result of the appeal the Superior Council of Prosecutors shall decide:
- a) to maintain the appealed decision;
 - b) to quash the decision appealed against and to adopt a new decision to solve the case.

Article 87. Competences of the College for selection and career of prosecutors

(1) The College for the Selection and Career of Prosecutors shall have the following powers:

- (a) examine the files of candidates for the position of prosecutor, the documents submitted by candidates and those relating to candidates;
- b) examine the files and documents submitted by prosecutors applying for appointment as Chief Prosecutor or Deputy Chief Prosecutor or for promotion to a higher position;
- (c) organise and conduct interviews with participants in the competition;
- (d) award points to participants in the competition;
- (e) adopt reasoned decisions on the results of the assessment of candidates;
- f) has other duties provided for by law or by regulations approved by the Superior Council of Prosecutors.

(2) The College for the Selection and Career of Prosecutors shall examine, within 3 months at the latest, the materials submitted by the Secretariat of the Supreme Council of Prosecutors.

Article 88. Competences of the Performance Review College for Prosecutors

The Performance Review Board for Prosecutors shall have the following powers:

- (a) establish the programme for the evaluation of the work of prosecutors;
- (b) examine the files of prosecutors subject to evaluation, the documents submitted by them and the documents relating to them;
- (c) organise and conduct interviews with the prosecutors under evaluation;
- d) adopt decisions on the prosecutors subject to evaluation.

Article 89. Powers of the College of discipline and ethics

College of discipline and ethics shall:

- a) examine the disciplinary cases regarding prosecutors, as received from the prosecutors Inspection, and apply, as the case may be, disciplinary sanctions;
- b) adopt recommendations on the prevention of discipline violations within the Prosecutor's Office and on the compliance with the ethics of prosecutors.

TITLE IV

STAFF of the PUBLIC PROSECUTION SERVICE. BUDGET of the PUBLIC PROSECUTION SERVICE

Chapter XII

Staff of the Public Prosecution Service

Article 90. Staff of the Public Prosecution Service

- (1) The staff of the Public Prosecutor's Office shall comprise:
- a) prosecutors;
 - b) civil servants;
 - c) civil servants with special status;
 - d) technical staff.

(2) The status of civil servants in the Prosecutor's Office is regulated by the Law No. 158-XVI of 4 July 2008 on the Civil Service and the Status of Civil Servants.

(3) The status of the prosecutor's consultant is regulated by the Law No. 158-XVI of 4 July 2008 on the Civil Service and the Status of Civil Servants, and his/her duties are regulated by the Code of Criminal Procedure.

(4) The provisions of the Law No. 158-XVI of 4 July 2008 on the Civil Service and the Status of Civil Servants shall apply to the inspectors of the Inspectorate of Public Prosecutors in the part not regulated by this Law or other special laws.

(5) The technical staff shall perform the technical servicing of the Prosecutor's Office and their status shall be regulated by the labour law.

(6) The organisation and functioning of the subdivisions of the Prosecutor's Office consisting of civil servants and civil servants with special status and of the subdivisions consisting of technical staff, as well as the duties of the staff of these subdivisions shall be established by regulations approved by the Prosecutor General.

Chapter XIII

Budget of the Public Prosecution Service.

Organizational and technical – material assurance of the Public Prosecution Service

Article 91. Budget of the Public Prosecutor's Office

(1) The Prosecutor's Office shall be financed from the State budget within the limits of the budgetary allocations approved by the annual budget law.

(2) The Prosecutor's Office budget shall be unique and shall be administered by the General Prosecutor's Office.

(2¹) The budgets of the specialised prosecution offices shall be reflected separately in the budget of the Prosecutor's Office and shall be administered by the chief prosecutors of the specialised prosecution offices.

(3) The draft budget of the Prosecutor's Office shall be prepared by the General Prosecutor's Office with the opinion of the Superior Council of Prosecutors.

(4) The budget of the Prosecutor's Office shall be drawn up, approved and administered in accordance with the principles, rules and procedures laid down in the legislation on public finances and budgetary and fiscal responsibility.

Article 92. Assurance of the Public Prosecution Service activity

(1) The central and local public administration authorities shall be obliged to provide premises for the Prosecutor's Offices.

(2) The General Prosecutor's Office shall have the duty to provide the prosecutor's offices, by use of proceeds from the state budget, with forensic technical equipment, telecommunication equipment and computers, public service vehicles, adequate working conditions, able to protect the prosecutor's health and the physical and mental integrity.

(3) The economic and financial activities, as well as the administrative, secretarial and archive activities shall be provided by the respective divisions of the General Prosecutor's Office, the powers of which are established by regulations approved by the General Prosecutor.

Article 93. Statistical information

The General Prosecutor's Office shall ensure, by use of information technologies, the collection, processing, systematization and analysis of the statistical information regarding the criminality status and the work of the Public Prosecution Service and shall ensure its periodical publication.

Article 94. International relations.

The Public Prosecution Service may develop direct international relations, conclude contracts and agreements with similar foreign institutions, within the provisions set by Law.

Article 95. Seal

The Prosecutor's Offices have a seal with the State Emblem and with their name.

Article 96. Security

(1) The security of the Public Prosecution Service headquarters and of other assets, the safety of its employees along with safeguarding of the public order inside the Prosecutor's Offices headquarters and the control of persons' entry and exit from premises of the Prosecutor's Offices shall be ensured by the state budget.

(3) State body-guarding of the General Prosecutor shall be ensured under the Law.

TITLE V FINAL AND TRANSITIONAL PROVISIONS

Article 97.

The provisions of this Law shall be supplemented with provisions of the labour legislation, with regulations of the civil common law, contraventional or criminal Law, as appropriate, to the extent that it does not contradict the special legislation governing the status and activity of prosecutors.

Article 98.

(1) This Law shall enter into force on 1 August 2016, except of:

- the provisions of art. 17 para. (10) - (12) referring to the appointment of the General Prosecutor by the President of the Republic of Moldova, which will enter into force after the amendment of the Constitution of the Republic of Moldova. Till the date of enter into force of the Constitution amendments, it will be applied the provisions of the art. 40 par. (1) from the Law nr. 294-XVI from 25 December 2008 on Public Prosecution Service, in regard of the body who appoints the General Prosecutor, also the provisions of the art. 70 par. (1) letter d) of the this law, which will be applied correspondingly.

- the provisions of art. 16 will be implemented after 1 January 2017.

(2) The provisions of art. 5 letter d) shall be in force until the establishment of the electronic Register of complaints - R1.

(3) The General Prosecutor holding office on the date of entry into force of this Law shall continue exercising his/her mandate up to the end of the term for which he was appointed.

(4) The first mandate of the first Deputy General Prosecutor and of the Deputies of the General Prosecutor holding office on the day of entry into force of this Law shall not cease on the appointment of a new General Prosecutor.

(5) The prohibitions with respect to the mandates established by this Law shall cover also the mandates exercised under the previous legislation.

(6) Prosecutors mentioned in art. 25 para. (4) who on the day of entry into force of this Law are appointed for an indefinite period of time and who have exercised a mandate:

a) of up to 5 years shall continue exercising their mandate to 5 years within the first term;

b) of up to 5 or more years shall terminate their mandate at the entry into force of this Law, this period being considered the first term and the function shall be proposed for a new bidding.

(7) Prosecutors indicated in para. (5), b) shall continue exercising the powers of the Chief Prosecutor up to the appointment of the new chief prosecutor.

(8) Examination of the pending disciplinary procedures, at the date of entry into force of this Law, shall continue under this Law. Actions undertaken and documents concluded in accordance with Law no. 294-XVI from 25 December 2008 on Public Prosecution Service shall be considered valid. The provisions of this law shall be applied with respect to the part of legislation referring to disciplinary liability for acts committed before the entry into force of this Law.

(9) Until the entry into force of this Law, the General Prosecutor shall ensure the creation within the General Prosecutor's Office of the Inspection of prosecutors, along with the

employment of inspectors following the criteria established in art. 52 para. (2) and the approval of the Regulations of the Inspection of prosecutors;

(10) Within 6 months since the date of publication of this Law, the General Prosecutor shall approve the necessary regulations supporting the implementation of this Law and shall ensure their publication on the official website of the General Prosecutor.

(11) The Superior Council of Prosecutors shall:

a) continue its activity in the composition as of the day of the entry into force of this Law, until the expiration of the current mandate of its members;

b) pursuing the implementation of this law, the Superior Council of Prosecutors shall adopt the secondary legislation as stipulated by this Law, shall bring its legislation in line with this Law and shall ensure its publication on the official website of the Superior Council of Prosecutors;

c) ensure the creation, before the entry into force of this Law, of the College for prosecutors' selection and career, the College for prosecutors' performance evaluation and the College of discipline and ethics.

(12) The Qualification College shall terminate its activity and be dissolved by Law as of the day of the creation of the College for prosecutors' selection and career and the College for prosecutors' performance evaluation. The Disciplinary College shall terminate its activity and be dissolved by Law as of the day of the creation of the College of discipline and ethics.

Article 99

1. The Prosecutor's Offices at the level of Court of Appeal, the Military Prosecutor's Office and the Transport Prosecutor's Office shall terminate their activity at the date of entry into force of the current law.
2. After the Prosecutor's Offices indicated in para. (1) will terminate their activity, to the prosecutors and chief prosecutors of these prosecutor's offices will be proposed the transfer with their consent, to a vacant position, except for the position of chief prosecutor, in the other regional or specialized prosecutor's offices.
3. The movable and immovable property of the prosecutor's offices indicated in para. (1) shall be transmitted to the General Prosecutor's Office.
4. The servants and other staff of the prosecutor's offices indicated in para. (1) will be transferred to the same position to other prosecutor's offices, according to the Staff Employment plan, under the provisions of the Law no. 158-XVI of 4 July 2008 on the public position and statute of civil servant, as well as under the labour legislation;
5. The files and other documents from the archive of the prosecutor's offices indicated in para. (1) shall be transmitted to the General Prosecutor's archive;
6. Within 10 working days from entry into force of the Law on Public Prosecution Service, regardless of the procedural stage reached in the investigation file, criminal, civil and contraventional cases and other documents managed by the prosecutor's offices indicated in para. (1) shall be submitted to the General Prosecutor or his/her Deputy designated by the Order of the General Prosecutor, who, in a period of 10 working days after reception, will distribute according to territoriality principle and competence, for continuing the proceedings according to the legislation in force;
7. The Prosecutor's Office for Combating Organised Crime and for Special cases is created, which will begin functioning from the entry into force of this law.
8. The Anticorruption Prosecutor's Office, after the entry into force of this law continues its activity according to Art. 9 of the current law.
9. The prosecutors from Anticorruption Prosecutor's Office and from the General Prosecutor's Office, may be reappointed or transferred according to the competence, to the position of prosecutor to specialized prosecutor's offices or General Prosecutor's Office, without competition, except of reappointment or transfer to a position of the chief prosecutor;
10. The prosecutor's offices of the Administrative Territorial Unit of Gagauzia, Ceadir-Lunga, Vulcanesti, Comrat merging into a single prosecutor's office – the Prosecutor's

Office of ATU Gagauzia. The movable and immovable property, archive of the mentioned prosecutor's offices, files, materials and as well as other documents managed by these shall be sent to the Prosecutor's Office of ATU Gagauzia. The prosecutors from the mentioned prosecutor's offices will continue, without competition, their activity in the Prosecutor's Office of ATU Gagauzia. The chief prosecutors of the merged prosecutor's offices will continue their activity as deputies of the chief prosecutor of Prosecutor's Office of ATU Gagauzia till the expiry of their mandates.

11. At 1 January 2017, the Prosecutor's Offices of the sectors Buiucani, Ciocana, Center, Botanica and Riscani and the Prosecutor's Office of Chisinau municipality merging in one prosecutor's office - the Prosecutor's Office of Chisinau municipality. The movable and immovable property, archive of the mentioned prosecutor's offices, files, materials and well as other documents managed by these shall be sent to the Prosecutor's Office of Chisinau municipality. The prosecutors from the mentioned prosecutor's offices will continue, without competition, their activity in the Prosecutor's Office of Chisinau municipality. The chief prosecutors of the merged prosecutor's offices will continue their activity as deputies of the chief prosecutor of Prosecutor's Office of Chisinau municipality till the expiry of their mandates.
12. The chief prosecutors of which position is removed as a result of the reorganization performed under the current Law, may choose to remain in a vacant position of prosecutor, without competition, as follows:
 - a) The chief prosecutors from the General Prosecutor's Office - to the position of prosecutor in the General Prosecutor's Office, in a specialized prosecutor's Office or in a territorial prosecutor's offices;
 - b) The chief prosecutors from the Anticorruption Prosecutor's Office - to the position of prosecutor in the Anticorruption Prosecutor's Office, General Prosecutor's Office or in the territorial prosecutor's offices.
 - c) The chief prosecutors from the prosecutor's offices at the level of Court of Appeal, Military Prosecutor's Office, Transport Prosecutor's Office, as well as the chief prosecutors from territorial prosecutor's offices – to the position of prosecutor in territorial prosecutor's offices.
- 13) In forming the new structure of the Public Prosecution Service under the current law, the position of chief prosecutors and their deputies are occupied only through competition.
- 14) Until the entry into force of the Law on the Public Prosecution Service, are developed and approved the structure of prosecutor's offices and their districts of activity and staff register for each prosecutor's offices.

Article 100

(1) Within 3 months from the date of publication of this Law, the Government:

(a) shall submit to Parliament proposals on bringing the legislation in force in line with this Law, with the exception of draft special laws on the functioning of specialized prosecutors' offices, which shall be submitted to Parliament by 1 May 2016;

b) shall bring its normative acts in line with this Law.

(2) On the date of entry into force of this Law, the Law No 294-XVI of 25 December 2008 on the Prosecutor's Office shall be repealed, with the exception of the provisions of Article 98 para. (1) of this Law.

(3) Until the legislation is brought into line with this Law, the legislative acts in force, as well as other normative acts, shall apply insofar as they do not contradict this Law.

PRESIDENT OF THE PARLIAMENT

ANDRIAN CANDU

Chisinau, 25 February 2016